This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

LIBRARY OF THE
Leland Stanford Junior University
NOT TO BE TAKEN OUT OF THE LIBRARY.

5920

No. 25920

The Property

OF THE

ODD FELLOWS'

Library Association,

OF SAN FRANCISCO.

REFERENCE.

NOT TO BE TAKEN FROM THE LIBRARY.

Press ..... Shelf .....

TRANSACTIONS

OF THE

NATIONAL ASSOCIATION

FOR THE

PROMOTION OF SOCIAL SCIENCE.

TRANSACTIONS

OF THE

NATIONAL ASSOCIATION

FOR THE

PROMOTION OF SOCIAL SCIENCE

LONDON: PRINTED BY
SPOTTISWOODE AND CO., NEW-STREET SQUARE
AND PARLIAMENT STREET

TRANSACTIONS

OF THE

NATIONAL ASSOCIATION

FOR THE

PROMOTION OF SOCIAL SCIENCE.

ODD FELLOWS' LIBRARY ASSOCIATION. SAN FRANCISCO, CAL.

NORWICH MEETING, 1873.

EDITED BY

C. W. RYALLS, LL.B. CANTAB:, LL.D. LOND:

GENERAL SECRETARY OF THE ASSOCIATION,
BARRISTER-AT-LAW OF THE MIDLAND CIRCUIT.

LONDON:
LONGMANS, GREEN, AND CO.
1874.

LELAND STANFORD JUNIOR
LIBRARY
UNIVERSITY.

A. 26354.

CONTENTS.

	PAGE
Introduction	xxxi
Opening Address. The Right Hon. Lord HOUGHTON, D.C.L., F.R.S.	1
Address of President of Council. GEORGE WOODYATT HASTINGS	31
Address on Jurisprudence and Amendment of the Law. JOSEPH BROWN, Q.C.	45
Address on Education. Professor W. B. HODGSON, LL.D.	64
Address on Health. Captain DOUGLAS GALTON, C.B., F.R.S.	89
Address on Economy and Trade. THOMAS BRASSEY, M.P.	114

SELECT PAPERS, NOTICES OF PAPERS, DISCUSSIONS, ETC.

I.—JURISPRUDENCE AND AMENDMENT OF THE LAW.

INTERNATIONAL AND MUNICIPAL LAW SECTION.

English and Foreign Commercial Law.

Is it desirable and practical to effect an assimilation of English and Foreign Commercial Law? and if so, to what extent, and what steps should be taken to effect such assimilation? H. D. JENCKEN 137
Discussion 147

Framing of Acts of Parliament.

In what manner may the Framing and Passing of Acts of Parliament be improved? T. ERSKINE HOLLAND. F. H. JANSON 158, 167
Discussion 173

Agricultural Tenancies.

PAGE

What Change, if any, is it desirable to make in the Law relating to Agricultural Tenancies? JAMES HOWARD, M.P. Rev. E. L. BLACKMAN 181, 190
Discussion 191

Transfer of Land and Registration of Title; as the question at present stands in England and Wales. R. DENNY URLIN, Barrister-at-Law . 205
On the Jury Laws. C. W. RYALLS, LL.D., Barrister-at-Law 211
Address on an International Code. DAVID DUDLEY FIELD 219
On International Arbitration; its necessity and possibility. F. W. SOUTTER 225

Miscellaneous.

The probable effects of the Supreme Court of Justice Act. ANDREW EDGAR, LL.D. 226
On Church Patronage; its historical, legal, and social aspects. ALFRED WADDILOVE, D.C.L. 227
On the required amendment of the Marriage Laws. Rev. DANIEL ACE, D.D. 228
The first Juridical Congress of the Kingdom of Italy. C. H. E. CARMICHAEL, M.A., F.R.S.L. 229

REPRESSION OF CRIME SECTION.

Address on Repression of Crime. P. F. O'MALLEY, Q.C. 230

Punishment of Young Persons.

In what way should the Punishment of Young Persons under eighteen, especially boys or girls of nine or ten years of age, be regulated? Serjeant COX 242
Discussion 245

Administration of Criminal Justice.

Are any, and what, Improvements necessary for the Administration of Justice in Petty and Quarter Sessions? Sir WILLOUGHBY JONES, Bart. . . 254
Discussion 262

Discipline in County and Borough Gaols.

What Improvements are required in the system of Discipline in County and Borough Prisons? J. A. BREMNER 268
Discussion 284

Prison Industry; the foundation of prison discipline, and of the reformation of criminals. F. J. MOUAT, M.D., F.R.C.S. 289
Treatment of Prisoners on Remand. H. B. SHERIDAN, M.P. . . . 299
On the Treatment of Life-sentenced Prisoners. MARY CARPENTER . . 306

Miscellaneous.

PAGE
On the Causes and Prevention of Crime. Rev. THOMAS HUTTON, M.A. . 311
Military Industrial Training Schools. W. J. HAMILTON 313
Convict Labour in Coal Mines. CHARLES THOMPSON 314
On Indian Prisons. C. SABAPATHI IYAH 314

II.—EDUCATION.

Universities and Secondary Schools.

Can Universities help in the Examination of Secondary Teachers and Secondary Schools? And can they in any way afford the special training required for Secondary Teachers? Rev. L. BRERETON 317
Discussion 328

Industrial Feeding Schools.

How can Education be brought to bear on the hitherto Untouched Portions of the Population? Miss MARY CARPENTER. Rev. BROOKE LAMBERT 335, 340
Discussion 341

Pressure of Competitive Examination.

What are the effects of the Pressure of Competitive Examination upon Education? T. M. G. MEIKLEJOHN. C. H. LAKE 347, 348
Discussion 351

Female Education.

On the Organisation of Lectures and Classes for Women. Mrs. WILLIAM GREY 361
On the Organisation of Girls' Schools. Miss DOROTHEA BEALE . . . 362
Discussion 363

Female Teachers and Inspectors.

Elementary Teaching, a profession for Ladies. LOUISA M. HUBBARD . . 370
On Female Inspection of Schools. Miss COATES 378
Discussion 379

The Medical Education of Women. SOPHIA JEX-BLAKE 385
On Commercial Training. JOHN YEATS, LL.D. 393
The Admission of Boys from Elementary Schools into Grammar Schools. Rev. J. J. RAVEN, D.D. 402

Miscellaneous.

The co-existence of School Boards and Voluntary Schools. Sir T. FOWELL BUXTON, Bart. R. H. BLAKE-HUMFREY 405, 406

PAGE

Supplement to paper read at Plymouth on "The unsatisfactory results of our Primary Instruction." JOSEPH PAYNE 408
Higher Education of the Blind. Commander DAWSON, R.N. . . . 409
Public Education in India. C. MEENACSHAYA 410
On the proper Aim of Education in the East. COOMARA SWAMY . . . 410

III.—HEALTH.

Administration of the Sanitary Laws.

What are the most convenient Administrative Areas for Sanitary Purposes, and what are the best means of Administering the Sanitary Laws? LEWIS ANGELL, C.E., &c. ALFRED CARPENTER, M.D. . . . 413, 418
Discussion 430

Disposal of Sewage.

What are the best means, sanitary and economical, for the Disposal of the Sewage of Inland Towns? ALFRED SMEE, F.R.S., F.R.C.S. PETER EADE, M.D. CHRISTOPHER THWAITES 436, 437, 439
Discussion 440

A General Building Act.

What Provisions are required in a General Building Act, so as to secure efficient Sanitary Arrangements? H. H. COLLINS, M.R.I.B.A. R. R. ARNTZ 448, 459
Discussion 460

How some people have Lived, and not died, in India. FLORENCE NIGHTINGALE 463
Overcrowding in rural districts, and its Remedy. F. T. BOND, M.D. . . 474
On a Constant Water Supply. BALDWIN LATHAM, C.E. 479
Well Waters in Villages and Country Places. FRANCIS SUTTON, F.C.S. . 484
The Air we Breathe. A. H. SMEE, F.C.S. 486
On the Recent Outbreak of Typhoid Fever in Marylebone. W. HARDWICKE, M.D. 489

Miscellaneous.

Report of the Joint Committee on State Medicine 492
The Systematisation of the Reports of Medical Officers of Health, with a view of making them comparable with one another. T. J. DYKE, M.D. . 494
Registration of Deaths in the Mercantile Marine. Commander DAWSON . 495
On the Application of Charcoal to Household Impurities. Major-General M. SYNGE, R.E. 496
On Cholera. CHARLES SHRIMPTON, M.D. 498
On the Defilement of Air by Volatile Vapours. W. J. COOPER . . . 499
The Radical Prevention of Disease. J. S. HOLDEN, M.D. 499
Suggestions for Board School Buildings. Miss M. L. MOORE . . . 500

IV.—ECONOMY AND TRADE.

General Relations of Employers and Employed.

PAGE

What should be the General Relations of Employers and Employed, both trade and agricultural; and are Industrial Partnerships desirable? ROWLAND HAMILTON 501
Discussion 512

Local Taxation and Administration.

On what principles should Local Taxation be levied? And what should be the principles of Local Administration and Government? J. J. COLMAN, M.P. R. DUDLEY BAXTER, F.S.S. R. H. T. PALGRAVE, F.S.S. S. S. DICKINSON, M.P. 522, 534, 548, 554
Discussion 559

Friendly Societies.

On what principles should Friendly and other kindred Societies be based? and is Government Control of them desirable? Rev. J. Y. STRATTON. E. W. BRABROOK 566, 573
Discussion 574

On the best plan of Construction and Arrangement of an Agricultural Labourer's Cottage. Sir WILLOUGHBY JONES, Bart. 585
Charity Organisation. E. L. O'MALLEY 588
The Employment of Married Women in Manufacture. W. COOKE TAYLOR 605
Norwich Industries. THOMAS HANCOCK 613
On the Swedish Licensing Laws and the Gothenburgh Public House System. DAVID CARNEGIE 619
The Movement of the Farmers of the Western States against the Railway Companies and other Monopolies. HAMILTON A. HILL 634
On a new method of Preserving Meat by the Freezing Process. G. C. LEVY 645

Miscellaneous.

On the Further Development of the Resources of the Soil. The question of Peat considered. FRANCIS FULLER 652
Our Meat Supplies. Professor GAMGEE 653
Preserved Meats; their history and uses. E. CARTON BOOTH 655
A Substitution of a Duty on Beer for the Present Duty on Malt. JOHN GUNN 656
On Social and Material Condition, as contrasted with thirty years ago. WILLIAM HOYLE 657
On the mistake made by Co-operative Societies by giving a percentage to customers. Mrs. E. M. KING 658
Effect of Local Taxation on Agriculture and Price of Provisions. J. BURHAM SAFFORD 658

PAGE
On the Law of Capital. WILLIAM WESTGARTH 659
Paper Money as a State Question. WILLIAM WESTGARTH 660

Appendix.

A.—Address on the Opening of Sanitary and Educational Exhibition. FREDERICK BATEMAN, M.D., High Sheriff of Norwich 663
B.—Report of the Managing Committee of the Sanitary and Educational Exhibition 667
C.—Report to the Concluding Meeting of Members and Associates . 671

FORMER PRESIDENTS.

BIRMINGHAM, 1857.

President.

THE RIGHT HON. LORD BROUGHAM.

Presidents of Departments.

I. THE RIGHT HON. LORD JOHN RUSSELL, M.P.
II. THE RIGHT HON. SIR JOHN S. PAKINGTON, BART., M.P.
III. THE RIGHT HON. AND RIGHT REV. LORD BISHOP OF LONDON.
IV. THE RIGHT HON. LORD STANLEY, M.P.
V. SIR BENJAMIN COLLINS BRODIE, BART., M.D., F.R.S.

LIVERPOOL, 1858.

President.

THE RIGHT HON. LORD JOHN RUSSELL, M.P.

Presidents of Departments.

I. THE RIGHT HON. THE LORD CHANCELLOR OF IRELAND.
II. THE RIGHT HON. WILLIAM COWPER, M.P.
III. THE RIGHT HON. THE EARL OF CARLISLE, K.G.
IV. THE RIGHT HON. THE EARL OF SHAFTESBURY, K.G.
V. THE RIGHT HON. SIR JAMES STEPHEN, K.C.B.

BRADFORD, 1859.

President.

THE RIGHT HON. THE EARL OF SHAFTESBURY.

Presidents of Departments.

I. VICE-CHANCELLOR SIR W. PAGE WOOD.
II. THE RIGHT HON. C. B. ADDERLEY, M.P.
III. RICHARD MONCKTON MILNES, M.P.
IV. THE RIGHT HON. WILLIAM COWPER, M.P.
V. SIR JAMES P. KAY SHUTTLEWORTH, BART.

GLASGOW, 1860.

President.

THE RIGHT HON. LORD BROUGHAM.

Presidents of Departments.

I. THE LORD ADVOCATE FOR SCOTLAND.
II. SIR JAMES P. KAY SHUTTLEWORTH, BART.
III. THE HON. ARTHUR KINNAIRD, M.P.
IV. VISCOUNT EBRINGTON.
V. SIR JAMES EMERSON TENNENT.

DUBLIN, 1861.

President.

THE RIGHT HON. LORD BROUGHAM.

Presidents of Departments.

I. THE RIGHT HON. JOSEPH NAPIER.
II. SIR JOHN GEORGE SHAW LEFEVRE, K.C.B., F.R.S.
III. THE RIGHT HON. THE ATTORNEY-GENERAL FOR IRELAND.
IV. THE RIGHT HON. LORD TALBOT DE MALAHIDE.
V. THE HON. JUDGE LONGFIELD.
VI. MONS. MICHEL CHEVALIER.

LONDON, 1862.

President.

THE RIGHT HON. LORD BROUGHAM.

Presidents of Departments.

I. SIR FITZROY KELLY, Q.C., M.P.
II. THE VERY REV. THE DEAN OF ST. PAUL'S.
III. THOMAS CHAMBERS, Q.C.
IV. WILLIAM FAIRBAIRN, LL.D., F.R.S.
V. RICHARD MONCKTON MILNES, M.P.
VI. TRAVERS TWISS, Q.C., D.C.L.

EDINBURGH, 1863.

President.

THE RIGHT HON. LORD BROUGHAM.

Presidents of Departments.

I. THE HON. LORD CURRIEHILL.
II. NASSAU W. SENIOR.
III. THE HON. LORD NEAVES.
IV. PROFESSOR CHRISTISON, M.D.
V. THE RIGHT HON. SIR JOHN MCNEILL, G.C.B.
VI. THE HON. JUDGE LONGFIELD, LL.D.

YORK, 1864.

President.

THE RIGHT HON. LORD BROUGHAM.

Presidents of Departments.

I. THE RIGHT HON. SIR JAMES P. WILDE.
II. HIS GRACE THE ARCHBISHOP OF YORK.
III. SIR CHARLES HASTINGS, M.D., D.C.L.
IV. EDWIN CHADWICK, C.B.

SHEFFIELD, 1865.

President.

THE RIGHT HON. LORD BROUGHAM.

Presidents of Departments.

I. SIR ROBERT J. PHILLIMORE, D.C.L.
II. THOMAS CHAMBERS, Q.C., M.P.
III. EDWIN LANKESTER, M.D., F.R.S.
IV. EDWIN CHADWICK, C.B.

MANCHESTER, 1866.

President.

THE RIGHT HON. THE EARL OF SHAFTESBURY, K.G.

Presidents of Departments.

I. HON. GEORGE DENMAN, Q.C., M.P.
II. RIGHT HON. H. AUSTIN BRUCE, M.P.
III. WILLIAM FARR, M.D., F.R.S.
IV. SIR JAMES P. KAY SHUTTLEWORTH, BART.

BELFAST, 1867.

President.

THE RIGHT HON. LORD DUFFERIN AND CLANDEBOYE.

Presidents of Departments.

I. THE RIGHT HON. JUSTICE O'HAGAN.
II. THOMAS ANDREWS, M.D., F.R.S.
III. SIR JAMES SIMPSON, BART., M.D., F.R.S.
IV. SIR ROBERT KANE, F.R.S.

BIRMINGHAM, 1868.

President.

THE RIGHT HON. THE EARL OF CARNARVON.

Presidents of Departments.

I. THE RIGHT HON. W. N. MASSEY.
II. THE RIGHT HON. LORD LYTTELTON.
III. HENRY W. RUMSEY, M.D.
IV. PROFESSOR FAWCETT, M.P.

BRISTOL, 1869.

President.

THE RIGHT HON. SIR STAFFORD NORTHCOTE, BART., M.P.

Presidents of Departments.

I. GEORGE WOODYATT HASTINGS.
II. REV. CANON KINGSLEY.
III. JOHN A. SYMONDS, M.D., F.R.S.
IV. RIGHT HON. STEPHEN CAVE, M.P.

NEWCASTLE-UPON-TYNE, 1870.

President.

HIS GRACE THE DUKE OF NORTHUMBERLAND.

Presidents of Departments.

I. THE HON. LORD NEAVES.
II. DR. LYON PLAYFAIR, C.B., F.R.S., M.P.
III. ROBERT RAWLINSON, C.B., C.E.
IV. SIR WILLIAM ARMSTRONG, C.B., LL.D., D.C.L., F.R.S.

LEEDS, 1871.

President.

THE RIGHT HON. SIR JOHN S. PAKINGTON, BART., G.C.B., M.P.

Presidents of Departments.

I. W. VERNON HARCOURT, Q.C., M.P.
II. EDWARD BAINES, M.P.
III. GEORGE GODWIN, F.R.S.
IV. WILLIAM NEWMARCH, F.R.S.

PLYMOUTH AND DEVONPORT, 1872.

President.

THE RIGHT HON. LORD NAPIER AND ETTRICK, K.T.

Presidents of Departments.

I. SIR JOHN DUKE COLERIDGE, Q.C., M.P.
II. GEORGE WOODYATT HASTINGS.
III. DR. H. W. ACLAND, F.R.S., D.C.L.
IV. SIR JOHN BOWRING, LL.D.

COUNCIL FOR 1873-4.

Those marked with an asterisk are Representatives of Corporate Bodies.

President—George Woodyatt Hastings.

Aberdare, Right Hon. Lord
Acland, H. W. D., M.D., F.R.S., D.C.L.
Acland, Sir Thomas D., Bart., M.P.
Adderley, Right Hon. Sir Charles B., C.B., M.P.
Arthur, Rev. William

Backhouse, Edward, M.P.
Baines, Edward
Baker, T. B. Ll.
Barclay, A. W., M.D.
Bass, M. T., M.P.
Bastard, T. H.
Bateman, J. F., C.E., F.R.S.
Bates, Edward, M.P.
Baxter, R. Dudley
Baylis, C. O., M.D.
Beggs, Thomas,
Beresford-Hope, A. J. B., M.P.
*Bourne, Rev. Alfred
Bowyer, Sir George, Bart., M.P.
Boyle, Rev. G. D.
Brassey, Thomas, M.P.
Bremner, J. A.
Briggs, W. E., M.P.
Brodrick, Hon. George
Brookes, W. Cuncliffe, M.P.
Brown, A. H., M.P.
Brown, Joseph, Q.C.
Brown, Samuel, F.S.S.
Brown, W. Sneade
Burkitt, Edward
Butler, Rev. H. Montagu, D.D.
Butter, Henry
Buxton, Sir Robert J. S., Bart., M.P.
Buxton, Sir T. Fowell, Bart.

Canterbury, Lord Archbishop of
Carnarvon, Earl of
Carpenter, Alfred, M.D.
Cave, Right Hon. Stephen, M.P.
Cavendish, Lord Frederick, M.P.
Chadwick, David, M.P.
Chadwick, Edwin, C.B.
Chambers, C. H.
Chambers, Montagu, Q.C.
Chichester, Earl of
Christison, Sir Robert, M.D.
Clanricarde, Marquis of
Clark, Charles, Q.C.
Clark, E. C., LL.D.
Clarke, T. Chatfeild
Clode, William
Colebrooke, Sir Thomas E., Bart., M.P.
Coleridge, Lord
Colman, Jeremiah J., M.P.
Cookson, W. Strickland
Corrance, F. S.
Cowper-Temple, Rt. Hon. W. F., M.P.
Cox, Mr. Serjeant
Crofton, Right Hon. Sir Walter, C.B.
*Crook, Richard J.
Crossley, John, M.P.

Dalglish, Robert
Dalway, W. R., M.P.
Daniel, W. T. S., Q.C.
Davenport, E. G., M.P.
Delahunty, James
Denman, Lord
Denman, Hon. Justice
Derby, Earl of
Dickinson, S. S., M.P.
Dixon, George, M.P.
Dodds, Joseph, M.P.
Droop, H. R.
Ducie, Earl of
Dudley, Earl of
Dunn, E. C.
Dunsany, Lord

Eastwick, E. B., C.B., F.R.S.
Ebury, Lord
Edgar, Andrew, LL.D.
Edmunds, James, M.D.
Evans, T. W., M.P.
Ewing, A. Orr, M.P.

Fairbairn, Sir Wm., Bart., LL.D., F.R.S.
Farr, William, M.D., F.R.S.
Fergus, Andrew, M.D.
Fitch, J. G.
Fortescue, Earl
Fortescue, Hon. Dudley Francis
Fowler, R. N.
Freeland, H. W.
*Fry, Lewis
Fuller, Francis

Gael, S. H.
Gairdner, W. T., M.D.
Galton, Captain Douglas, C.B., F.R.S.
Glasgow, Lord Provost of
Godwin, George, F.R.S.

Goldsmid, Sir Francis H., Bart., M.P.
Goldsmid, Julian, M.P.
Graves, Lord
Gray, Colonel William
Gurney, Rt. Hon. Russell, Q.C., M.P.

Hadfield, George
Hamilton, Rowland
Hampton, Rt. Hon. Lord, G.C.B.
*Hancock, W. Nielson, LL.D.
Harcourt, Sir W. Vernon, Q.C., M.P.
Hardwicke, William, M.D.
Hare, Thomas
*Harris, Stanley
Hart, Ernest
*Hastings, George Woodyatt
Hatherley, Lord
Hawkins, Rev. E. C.
Hawkins, Charles
Haywood, William, C.E.
Headlam, Rt. Hon. T. E., Q.C.
Henty, William
Heywood, James, F.R.S.
Hill, Alsager H.
Hill, Edwin
Hill, Frederic
Hodgkin, John
Hodgson, Professor W. B., LL.D.
Holland, P. H.
Hope, William, V.C.
Houghton, Lord, D.C.L., F.R.S.
Howard, James
Howell, Rev. Hinds
Hughes, Thomas, Q.C.
Hurst, George

Jencken, H. D.
Jenkins, Edward, M.P.
Jevons, Professor Stanley
Johnstone, Sir Harcourt, Bart., M.P.
Jones, Sir Willoughby, Bart.
Jones, T. W. C.

Karslake, Sir John, A.G., M.P.
Keating, Hon. Justice
Kelly, Lord Chief Baron
Kennaway, Sir J. H., Bart., M.P.
Kettle, Rupert A.
Kimberley, Earl of
Kinnaird, Hon. Arthur, M.P.

Lacon, Sir E. H. K., Bart., M.P.
Laird, John, M.P.
Lambert, Rev. Brooke
Lankester, Edwin, M.D., F.R.S.
Latham, Baldwin, C.E.
Lawrence, Lord
Lefevre, G. J. Shaw, M.P.
Leighton, Sir Baldwyn, Bart.
Leslie, T. E. Cliffe, LL.D.
Lewis, John D.
Lichfield, Earl of
Lloyd, Sampson S., M.P.
Londesborough, Lord
Longfield, Hon. Montifort, LL.D.
Lopes, Henry, Q.C., M.P.
Lowe, Rt. Hon. Robert, M.P.
Ludlow, J. M.
Lycett, Sir Francis
Lyttelton, Lord
Lyveden, Lord

McArthur, Alexander, M.P.
McArthur, William, M.P.
*McClelland, James
Macfie, R. A.
McKenna, Sir Joseph, D.L., M.P.
*McLagan, Peter, M.P.
Mahon, Viscount, M.P.
Mann, Horace
Marshall, James
Massey, Rt. Hon. W. N., M.P.
Matthews, Henry, Q.C.
Maxwell, Wellwood H.
Melly, George, M.P.
Michael, W. H., F.C.S.
Miller, Dalton T.
Minto, Earl of
Moncrieff, Lord
*Monk, C. J., M.P.
Montagu, Lord Robert, M.P.
*Moreton, John
Morley, Samuel, M.P.
Morrison, Walter
Mouat, F. J., M.D., C.B.
Mozley, Herbert N.

Napier and Ettrick, Lord, K.T.
Napier, Rt. Hon. Sir Joseph, Bart.
Neaves, Hon. Lord
Newdegate, C. N., M.P.
*Newmarch, William, F.R.S.
Newton, A. V.
Norris, Rev. Canon
Northcote, Rt. Hon. Sir Stafford, Bt., C.B., M.P.
Northumberland, Duke of
Norton, J. Bruce

O'Hagan, Lord
Oldfield, Colonel
O'Malley, P. F., Q.C.
O'Malley, E. L.
O'Neill, Hon. Edward, M.P.
O'Reilly, Myles W., M.P.
Overstone, Lord

Pagliardini, Tito
Pankhurst, Richard M., LL.D.
Pattison, Rev. Mark
Payne, Joseph
Peel, Rt. Hon. Sir Lawrence, D.C.L.
Pell, Albert, M.P.

Pender, John, M.P.
Pennington, Frederick, M.P.
Percival, Rev. John
Phené, J. S., F.S.A.
Playfair, Right Hon. Dr. Lyon, C.B., F.R.S., M.P.
Potter, Edmund, F.R.S.
Powell, F. S.
Pulling, Mr. Serjeant

Ramsay, F. W., M.D.
Ramsden, Sir John, Bart.
Ratcliff, Colonel
Rathbone, P. H.
Rathbone, William, M.P.
Rawlinson, Sir Christopher
Rawlinson, Robert, C.B., C.E.
Read, C. S., M.P.
Richard, Henry, M.P.
Richson, Rev. Canon
Rigg, Rev. J. H., D.D.
Ripley, H. W., M.P.
Ripon, Marquis of
Rothschild, Baron Lionel de,
Russell, Earl, K.G.
Rutson, A. O.
Ryalls, C. W., LL.D.
Ryland, Arthur

St. David's, Lord Bishop of
Selborne, Lord
Shaen, Rev. Richard
Shaen, William
Shaftesbury, Earl of, K.G.
Sheridan, H. B., M.P.
Shrimpton, Charles, M.D.
Smithies, T. B.
Sopwith, Thomas, F.R.S.
*Spotton, William
Stanhope, Hon. Edward, M.P.
Steinthal, Rev. S. A.
Stephenson, Rev. Nash
Stewart, A. P., M.D.

Taylor, P. A., M.P.
Taylor, R. W. Cooke
Teignmouth, Lord
Teulon, Seymour
Tomline, George
Torrens, Sir Robert R.
Tufnell, E. Carlton
Twells, Philip, M.P.
Twining, Thomas

Vaughan, James
Verney, Sir Harry, Bart.

Waddilove, Alfred, D.C.L.
*Walker, John
*Waller J. F., LL.D.
Walpole, Hon. F., M.P.
Ware, Martin
*Warrack, John
Waterhouse, Samuel, M.P.
Webster, Thomas, Q.C., F.R.S.
Weguelin, Thomas, M.P.
West, Henry W., Q.C.
Westlake, John, Q.C.
White, J. Sewell
*White, Peter
White, Robert
Whitwill, Mark
Williams, Arthur J.
Williams, Sir F. Martin, Bart., M.P.
Wilmot, Sir J. E. Eardley, Bart., M.P.
Wingfield-Baker, R. B.

Yeats, John, LL.D.

EXECUTIVE COMMITTEE.

Carpenter, Alfred, M.D.
Clode, William
Cookson, W. Strickland, *Treasurer*
Crofton, Rt. Hon. Sir Walter, C.B.

Dunn, E. C.

Edgar, Andrew, LL.D.

Fortescue, Hon. Dudley

Hamilton, Rowland
Hardwicke, William, M.D.
Hastings, G. Woodyatt, *President of Council*
Hill, Frederic

Jones, T. W. C.

McClelland, James
Mozley, H. N.

O'Malley, E. L.

Ryalls, C. W., LL.D., *General Secretary*

Teulon, Seymour
Torrens, Sir Robert R.

Verney, Sir Harry, Bart.

Westlake, John, Q.C., *Foreign Secretary*
White, Robert

GOD FE SAN FRANCISCO, CA

FOREIGN CORRESPONDING MEMBERS.

Monsieur Le Comte J. Arrivabene, Bruxelles.
Marquis D'Avila, Ministre d'Etat de S. M. Très Fidèle, Lisbon.
Monsieur Michel Chevalier, Avenue de l'Impératrice No. 27, Paris.
Monsieur Le Comte Auguste Ciezkoswki, Wierzenica, Grand-Duché de Posen.
Monsieur Corr-Vander Maeren, Bruxelles.
Samuel Eliot, Esq., LL.D., Boston, U. S.
David Dudley Field, Esq., New York, U. S.
Dr. Guillaume, Neuchâtel, Switzerland.
Monsieur Le Dr. C. Helm, Wien, Austria.
Baron Von Holtzendorf, University, Munich.
Dr. Edward Jarvis, Dorchester, Massachusetts, U. S.
Hon. W. Beach Lawrence, Ochre Point, Newport, Rhode Island, U. S.
His Excellency Senor Don Arturo de Marcoartu, Spain.
Monsieur Le Dr. Neumann, Köpnicker Strasse No. 110a, Berlin.
Edwin Pears, Esq., 2 Rue de la Banque, Constantinople.
Monsieur F. Le Play, Place Saint Sulpice No. 6, Paris.
Monsieur Le Dr. Schubert, Königsberg.
Monsieur W. H. Suringar, Président de Mettray, Amsterdam.
Monsieur Le Dr. Susani, Professeur de Mécanique Industrielle à la Société des Arts, Milan.
Monsieur Le Dr. Varrentrapp, Francfort-sur-Main.
Monsieur A. Visschers, Conseiller au Conseil des Mines, Rue Royale No. 106, Bruxelles.
Count Zamoyski, Cracow, Russia.

HONORARY MEMBERS.

Mrs. John Knox, London.
Miss Mary Carpenter, Bristol.

OFFICERS OF THE ASSOCIATION FOR 1873–4.

President.

The Right Hon. LORD HOUGHTON, D.C.L., F.R.S.

Vice-Presidents.

The Right Hon. EARL RUSSELL, K.G.
The Right Hon. EARL OF SHAFTESBURY, K.G.
The Right Hon. EARL DUFFERIN AND CLANDEBOYE, K.G.
The Right Hon. EARL OF CARNARVON.
The Right Hon. Sir STAFFORD NORTHCOTE, Bart., M.P.
His Grace THE DUKE OF NORTHUMBERLAND.
The Right Hon. LORD HAMPTON, G.C.B.
The Right Hon. LORD NAPIER AND ETTRICK, K.T.

Presidents of Departments.

I. JOSEPH BROWN, Q.C.
II. Professor W. B. HODGSON, LL.D.
III. Captain DOUGLAS GALTON, C.B., F.R.S.
IV. THOMAS BRASSEY, M.P.

President of the Council.

GEORGE WOODYATT HASTINGS.

General Secretary.

C. W. RYALLS, LL.D.

Foreign Secretary.

JOHN WESTLAKE, Q.C.

Secretaries of Departments.

I. H. N. MOZLEY. T. W. C. JONES.
II. Rev. BROOKE LAMBERT. ROWLAND HAMILTON.
III. WILLIAM CLODE. WILLIAM HARDWICKE, M.D.
IV. E. L. O'MALLEY. Rev. S. A. STEINTHAL.

Treasurer.

W. STRICKLAND COOKSON.

Auditors.

FRANCIS FULLER. | A. V. NEWTON.

Assistant Secretary.

JAMES ROBINSON.

Bankers.

THE LONDON AND WESTMINSTER BANK, 1 St. James's Square, S.W.
Messrs. RANSOM, BOUVERIE & Co., 1 Pall Mall East, S.W.

Office of the Association.

1 ADAM STREET, ADELPHI, LONDON, W.C.

LOCAL OFFICERS OF THE NORWICH CONGRESS.

Vice-Presidents.

The Right Worshipful THE MAYOR OF NORWICH.
The SHERIFF OF NORWICH.
The LORD LIEUTENANT OF NORFOLK, K.G.
The HIGH SHERIFF OF NORFOLK.
The HON. AND RIGHT REV. THE LORD BISHOP OF NORWICH.
THE RIGHT HON. THE EARL OF ALBEMARLE.
The RIGHT HON. VISCOUNT CANTERBURY.
The RIGHT HON. LORD SONDES.
The RIGHT HON. LORD SUFFIELD.
The RIGHT HON. LORD STAFFORD.
The RIGHT HON. LORD HENNIKER.
The RIGHT HON. LORD WAVENEY.
LORD CLAUDE J. HAMILTON, M.P.
VISCOUNT MAHON, M.P.
The HON. R. BOURKE, M.P.
The HON. F. WALPOLE, M.P.
Sir THOMAS W. B. P. BEAUCHAMP, BART.
Sir FRANCIS G. M. BOILEAU, BART.
Sir T. FOWELL BUXTON, BART.
Sir ROBERT J. BUXTON, BART., M.P.
Sir WILLIAM H. FFOLKES, BART.
The REV. SIR EDWARD JODRELL, BART., F.S.A.
Sir WILLOUGHBY JONES, BART.
Sir EDWARD C. KERRISON, BART.
Sir EDMUND H. K. LACON, BART., M.P.
Sir HENRY J. STRACEY, BART.
J. J. COLMAN, M.P.
F. S. CORRANCE.
EDWARD FELLOWES, M.P.
CLARE SEWELL READ, M.P.
The VERY REV. THE DEAN OF NORWICH.
HENRY BIRKBECK.
W. E. L. BULWER.
ROBERT CHAMBERLIN, *Deputy Mayor of Norwich.*
BRAMPTON GURDON.
The REV. H. EVANS LOMBE.
JOHN WORLLEDGE.
The WORSHIPFUL THE MAYOR OF BURY ST. EDMUNDS.
The WORSHIPFUL THE MAYOR OF CAMBRIDGE.
The WORSHIPFUL THE MAYOR OF LYNN.
The WORSHIPFUL THE MAYOR OF THETFORD.
The WORSHIPFUL THE MAYOR OF YARMOUTH.

Executive Committee.

THE RIGHT WORSHIPFUL THE MAYOR OF NORWICH, *Chairman.*
THE SHERIFF OF NORWICH, *Vice-Chairman.*

EDWARD BOARDMAN.
Sir F. G. M. BOILEAU, BART.
I. B. COAKS.
REV. J. CROMPTON.
E. FIELD.
REV. A. GORDON.
REV. J. GUNN.
JOHN GURNEY.
REV. CANON HEAVISIDE.
REV. A. JESSOPP, D.D.
C. E. TUCK.
F. E. WATSON.
REV. W. VINCENT.

Treasurers.

S. GURNEY BUXTON.
ROGER KERRISON.

Secretaries.

THE REV. HINDS HOWELL.
EDWARD P. SIMPSON.
FRANCIS SUTTON.
CHARLES WILLIAMS.

Secretaries of Departments.

International and Municipal Law Section.—E. S. BIGNOLD. T. H. BLOFELD. E. S. COPEMAN, *Cor. Sec.* J. W. DOWSON. E. A. FIELD. E. C. FRANCIS.

Repression of Crime Section.—H. H. COLE. G. A STEVENS. WARNER WRIGHT *Cor. Sec.*

Education.—REV. G. S. BARRETT. REV. J. CROMPTON, *Cor. Sec.* REV. W. C DAVIE. REV. J. M. DU PORT.

Health.—M. BEVERLEY, M.D. T. W. CROSSE, *Cor. Sec.* H. S. ROBINSON.

Economy and Trade.—H. BULLARD. A. R. CHAMBERLIN. H. J. COPEMAN T. HANCOCK, *Cor. Sec.*

PRESIDENTS AND VICE-PRESIDENTS OF DEPARTMENTS OF THE NORWICH MEETING.

I.—JURISPRUDENCE AND AMENDMENT OF THE LAW.

President.

JOSEPH BROWN, Q.C.

INTERNATIONAL AND MUNICIPAL LAW SECTION.

Vice-Presidents.

Sir WILLOUGHBY JONES, Bart.
Sir J. EARDLEY WILMOT, Bart.
P. F. O'MALLEY, Q.C. (*Recorder of Norwich*).
JOSEPH DODDS, M.P.
E. C. CLARK, LL.D.
W. B. GLASS, Q.C.
E. E. KAY, Q.C.
THOMAS WEBSTER, Q.C., F.R.S.
H. W. WEST, Q.C.
DAVID DUDLEY FIELD.
The MAYOR of Cambridge.
The RECORDER of Yarmouth.

REPRESSION OF CRIME SECTION.

Chairman.

P. F. O'MALLEY, Q.C. (RECORDER OF NORWICH).

Vice-Chairmen.

The HIGH SHERIFF of Norfolk.
The Right Hon. Sir WALTER CROFTON, C.B.
The MAYOR of Lynn.
W. J. UTTEN BROWNE.
J. R. BULWER, Q.C.
The RECORDER of Thetford.
R. T. GURDON.

II.—EDUCATION.

President.

PROFESSOR W. B. HODGSON, LL.D.

Vice-Presidents.

The MAYOR of Norwich.
The Lord BISHOP of Norwich.
Viscount MAHON, M.P.
Sir F. G. M. BOILEAU, Bart.
Sir EDWARD KERRISON, Bart.
Sir CHRISTOPHER RAWLINSON.
The Hon. DUDLEY FORTESCUE.
The Hon. ARTHUR KINNAIRD, M.P.
The HON. F. WALPOLE, M.P.
R. N. FOWLER.
SAMUEL MORLEY, M.P.
The Hon. GEORGE BRODRICK.
The Rev. MARK PATTISON.
HENRY BIRKBECK.
J. A. BREMNER.

III.—HEALTH.

President.

Captain DOUGLAS GALTON, C.B., F.R.S.

Vice-Presidents.

The SHERIFF of Norwich.
Sir HARRY VERNEY, Bart.
Sir WILLOUGHBY JONES, Bart.
F. S. CORRANCE.
EDWIN CHADWICK, C.B.
ALFRED CARPENTER, M.D.
WILLIAM HOPE, V.C.
ROBERT RAWLINSON, C.B., C.E.

IV.—ECONOMY AND TRADE.

President.

THOMAS BRASSEY, M.P.

Vice-Presidents.

Sir EDMUND H. K. LACON, Bart., M.P.
Sir T. FOWELL BUXTON, Bart.
J. J. COLMAN, M.P.
JAMES HOWARD.
C. S. READ, M.P.
The MAYOR of Bury St. Edmunds.
The MAYOR of Thetford.
The MAYOR of Yarmouth.
RUPERT KETTLE.
Professor STANLEY JEVONS.
R. CHAMBERLIN.
FREDERIC HILL.

LAWS OF THE ASSOCIATION.

Object and Organisation.

I. The object of the Association is to aid the development of Social Science.

II. The Association comprises four Departments: the first, for Jurisprudence and Amendment of the Law; the second, for Education; the third, for Health; and the fourth, for Economy and Trade.

III. The Association consists of Ordinary Members, Corporate Members, Foreign Corresponding Members, and Associates.

Terms of Membership.

IV. Any person who pays an Annual Subscription of One Guinea, or a Life Subscription of Ten Guineas, to the Funds of the Association, is an Ordinary Member.

V. Any Public Body paying to the Funds of the Association an Annual Subscription of Two Guineas, is a Corporate Member.

VI. Foreign Corresponding Members are elected by the Council, the number of such Members being limited by Bye-Law. Foreign Corresponding Members are exempt from payment.

VII. Any person who pays Ten Shillings to the Funds of the Association is an Associate for the Annual Meeting for which such payment is made.

VIII. The Annual Subscription is payable in advance on the first day of August in each year.

Officers and Government.

IX. The Association has a President, Vice-Presidents, Presidents and Vice-Presidents of Departments, a President of Council, a General Secretary, a Treasurer or Treasurers, Foreign Secretary, and Secretaries of Departments, who are all annually elected, and hold office until the appointments of the following year are made.

X. The Association is governed by a Council, and by an Executive Committee, subject to the directions of the Council.

XI. The Council consists of the following persons:—

1. The President, Vice-Presidents, Presidents and Vice-Presidents of Departments, General Secretary, Treasurers, Foreign Secretary, and Secretaries of Departments.

2. Every Member who has filled the office of President or President of a Department, or who has filled for three years the office of General Secretary, Treasurer, Foreign Secretary, or Secretary of Department.

3. Every Member who, up to the 31st of July, 1862, had served for three years as a Member of Council.

4. Every Member of either House of Parliament who is also a Member of the Association.

5. Such Members, not exceeding fifteen in each Department, as shall be annually nominated by the Standing Committee of each Department.

6. Such Representatives of any Branch or Local Association, not exceeding two, as may be nominated from time to time by such Branch or Local Association.

7. Such Representative of any Society existing in connection with the Association as may be nominated from time to time by such Society.

8. Such Representative of any Learned Society, or Chamber of Commerce, being a Corporate Member of the Association, as may from time to time be nominated by such Corporate Member.

9. Such Members as may be nominated by the Association, on the recommendation of the Council, for special services to the Association.

10. Such Members, not exceeding twelve, as shall be annually nominated by the Council, on the recommendation of the Executive Committee.

XII. The Executive Committee consists of the President of Council, the General Secretary, the Treasurer, the Foreign Secretary, one Secretary from each Department nominated by the Council, and Twelve Members elected annually by the Council.

XIII. The Council meets at the time of the Annual Meeting of the Association, at three other times during the year, and also when specially summoned by the Executive Committee.

Annual and other Meetings.

XIV. An Annual Meeting for the reception of the Address of the President, and of the Reports of the Council and Standing Committees, and for the reading and discussion of Papers, is held in such place, and at such time, as may be appointed by the Council.

XV. A Business Meeting of the Members is held in each year at the office of the Association, at such time as may be appointed by the Council, to receive a Report from the Council on the financial and other business of the Association, to elect the Officers and Standing Committees for the ensuing year, and to enact such Laws as may from time to time be required.

XVI. The Council has the power of summoning a General Meeting of Members, on fourteen days' notice, for such purpose, and at such time and place, as it thinks fit.

XVII. The General Secretary, on receiving a requisition signed by twenty Members, summons, at such time, being within thirty days, and at such place as he thinks fit, a General Meeting of the Members, for the purposes stated in such requisition.

XVIII. Special Meetings are held in London, under the regulation of the Executive Committee, for reading Papers, and for discussion, on specific questions.

Rights and Privileges of Members.

XIX. Every Ordinary Member has the right of attending and voting at the Annual Meeting, the Business Meeting of Members, and all other General Meetings of the Association, of being eligible to any of its offices, and of receiving gratuitously its *Transactions*.

XX. Any Ordinary Member, whose name has been submitted for that purpose to, and approved by, the Executive Committee, and who pays an additional annual subscription of One Guinea, or an additional life subscription of Ten Guineas, has the privileges of attending and voting at the Special Meetings mentioned in Law XVIII., of receiving all publications issued in connection with such

Meetings, and of the using of the Library at the office of the Association.

XXI. Every Corporate Member receives gratuitously a copy of the *Transactions*, and may nominate two Representatives to attend the Meetings of the Association.

XXII. Every Foreign Corresponding Member has all the rights of an Ordinary Member, except that of eligibility to the Council.

XXIII. Every Associate has the right of attending and voting at the Annual Meeting.

Standing and other Committees.

XXIV. A Standing Committee for each Department is annually elected at the Business Meeting of Members. A Standing Committee has the power to appoint Sub-committees.

XXV. Special Committees are appointed by the Association or by the Council, to consider and report on specific subjects of reference.

XXVI. The President of Council is, *ex officio*, a Member of every Standing Committee, and the General Secretary and the Foreign Secretary are, *ex officio*, Members of every Committee and Sub-committee. The Secretary of each Department is, *ex officio*, a Member of every Committee and Sub-committee of such Department.

Constitution and Conduct of Meetings.

XXVII. For General Meetings of the Association twenty Members, for Meetings of the Council seven Members, for those of the Executive Committee five Members, and for those of other Committees and Sub-committees three Members, form a quorum.

XXVIII. At all the aforesaid Meetings the Chairman has a vote; if the votes be equal he has also a casting vote.

XXIX. No original motion, of which previous notice has not been given, is put from the Chair at any Meeting of the Association held under Laws XIV., XV., or XVI.

Finances.

XXX. The funds of the Association are kept in its name at a Bank. All sums received on account of the Association are paid

into the Bank; and all cheques on the Bank are drawn by order of the Council or of the Executive Committee, signed by the Treasurer, and countersigned by the General Secretary.

XXXI. At the Business Meeting of Members two Auditors, not being Members of the Executive Committee, are appointed on motion, by show of hands, to audit the accounts of the ensuing year.

XXXII. The accounts of the Association are made up to the end of June in each year; and, after being duly audited, are appended to the Annual Report of the Council.

Vacancies in Offices.

XXXIII. The Council fills up any vacancy occurring during the year in any of the offices named in Law IX.

RECEIPT AND PAYMENT ACCOUNT.

For the year ending June 30th, 873

RECEIPTS.

			£	s.	d.
1872. July 1.	By Balance:				
	London and Westminster Bank:				
	Deposit Account	100 0 0			
	Cash do.	70 2 9			
	Ransom & Co.	10 10 0			
	Petty Cash	2 17 0			
			183	9	9
1873. June 30.	,, Subscriptions received in Office and at Bankers'		1,094	2	0
	,, Plymouth Congress, Sale of Tickets ...		355	3	0
	,, *Transactions* and Publications sold, &c. ...		49	1	5
	,, Rent of Rooms		69	5	6
	,, Loan to International Prison Congress repaid		10	0	0
	,, Scholastic Registration Association, half expenses of Educational Conference ...		4	16	5
			£1,765	18	1

*** At the end of the financial year there were no liabilities, while there remained a balance in hand of £24 13*s.* 11*d.*, and debts owing to the amount of £50 18*s.* 11*d.*, making a total balance of £75 12*s.* 10*d.* in favour of the Association.

PAYMENTS.

			£	s.	d.
1873. June 30.	To Printing *Transactions* of 1872, and Indexing		264	19	0
	,, Rent and Gas		204	4	10
	,, Salaries		370	0	0
	,, Wages		99	6	0
	,, Office Expenses		79	15	3
	,, Library—Books, &c.		41	15	11
	,, Printing:—				
	General Account ...	93 10 0			
	Sessional do. ...	143 7 4			
			236	17	4
	,, Stationery		17	5	4
	,, *Transactions*, Delivery		26	19	6
	,, Postage		84	17	0
	,, Travelling Expenses		54	19	0
	,, Reporting Proceedings		79	17	0
	,, Advertising		16	16	0
	,, Collector's Commission, &c.		42	3	0
	,, Subscriptions returned		9	9	0
	,, Grant to Joint Committee on the Sanitary Laws		15	0	0
	,, Balance:—				
	London and Westminster Bank:—				
	Deposit Account ...	100 0 0			
	Cash do. ...	16 2 6			
	Ransom & Co. ...	5 5 0			
	Petty Cash	0 6 5			
			121	13	11
			£1,765	18	1

Audited and found correct.

July 9th, 1873.

(Signed) FRANCIS FULLER.
A. V. NEWTON.

INTRODUCTION.

THE Association paid its first visit to the City of Norwich for the purpose of holding its Seventeenth Annual Congress between the 1st and 8th days of October, 1873. In the afternoon of Wednesday, October 1st, the Honourable and Right Reverend the Lord Bishop of Norwich preached before the Association at a special service in the Cathedral; and on the evening of the same day, at a very large meeting of the Association held in St. Andrew's Hall, the retiring President, Lord Napier and Ettrick, took the chair, and introduced to the meeting his successor, Lord Houghton. Lord Napier then vacated the chair, which was accordingly taken by Lord Houghton, who proceeded to deliver his Address. The President of Council and the Presidents of Departments also delivered their respective addresses on each of the following mornings of the Congress.

On the evening of Friday, October 3rd, a Working Men's Meeting was held in St. Andrew's Hall, Frederick Bateman, Esq., M.D., the Sheriff of the City of Norwich, presiding in the place of the Mayor, who was prevented from appearing in consequence of domestic affliction. The meeting was addressed by Lord Houghton, who explained the meaning of the term "Social Science," showing that it was by means of Social Science that man advanced from the condition of the savage to that of the high civilisation of our day; that the mainsprings of Social Science were "order" and "liberty;" that England had not grown up by "order," alone, but by the power of Social

Science, which had its foundation in the will of man—in that "liberty" enabling us to make and to unmake—the knowledge of good and evil. Social Science laid at the foundation of society, because when we had this power, this knowledge, everything depended upon how we could best direct it, and apply it to all the circumstances around us. We had arrived at great power and liberty in this country, having by the English Constitution all the powers possible to any individual in a free country. In England it was for the people to say how they should apply the liberty given them to the promotion of social order and the social good of the country. They must learn the foundation on which society rested. Social Science taught self-control, it taught the labouring man to save his small means and to secure the best investment he could for them, just as the wealthiest, and there was small difference between classes, so long as each used best the means within their reach, and, above all, preserved contented minds. The Lord Bishop of Norwich addressed the meeting on "Something to do as well as something to say about Social Science," pointing out that the great object to be solved in these days was how to remove the obstacles to human advancement and improvement, and how to develope in man his capacity for happiness and usefulness. Parliament did its best by legislation, and the Social Science Association did all it could by investigation and inquiry to ascertain the principles on which the work should proceed. Each man ought to consider what he could do to promote this great object. Unless man's will was enlisted on the side of social improvement, legislation and investigation would come to nothing. Lord Napier spoke on the necessity of better dwellings to the social improvement of the working classes, showing with admirable clearness that there must ensue, from the insufficient manner in which the working class were housed, a serious deterioration in physical, moral, and intellectual health and life. Self-culture especially (which only ended with a man's life),

could not be carried out in an unwholesome and repugnant dwelling. The remedy must be derived partly from legislation, and partly from the exercise of the will of the working classes themselves, as by associating to acquire better dwellings as their own property, and by saving their resources, so as to be able to pay rents which would induce capitalists to build them better dwellings. Mr. David Dudley Field, of New York, compared the working men of England and America. The working men of England differed from the working men of America in doing everything more thoroughly. "Thorough" was stamped on everything English. Railways, canals, houses, common roads, agriculture were all done perfectly. Americans more easily adapted themselves to new enterprises. Englishmen did everything to perfection, but could not so readily as Americans adapt themselves to every circumstance. In speaking of the blessings of peace, Mr. Field, referring to the recent arbitration between England and America, said that there was nothing more honourable to England than the manner in which she had bowed in proud submission to the decision of five gentlemen in a little room in Geneva. The speech of Mr. Field was received with the greatest enthusiasm. Mr. G. W. Hastings spoke on the necessity of the working men of England throwing themselves into the work of carrying out the Elementary Education Act, relating that in America he had observed that the working class supported the authorities in promoting elementary education. Professor Hodgson urged the working men of Norwich to endeavour to obtain some benefit from the Universities, as had recently been done by the working men of Nottingham, who had induced the University of Cambridge to form classes for the working men. Mr. Brassey, M.P., Mr. D. C. Heron, Q.C., M.P., and Mr. George Godwin, F.R.S., also addressed the meeting, the latter pointing out the sad want which he had observed in some of the lower parts of Norwich of the commonest sanitary arrangements.

Following the example set at Leeds in 1871 of organising a Sanitary Exhibition in connection with the Congress, the Council were of opinion that Norwich was well suited for such an exhibition. Accordingly, a committee was appointed to undertake the entire management of the arrangements, Dr. Hardwicke, who took an active part in the Leeds Exhibition, acting as chairman. It was considered expedient to enlarge the subjects of the Exhibition by introducing, in addition to strictly sanitary appliances, also a collection of economical appliances for educational and domestic purposes. This addition formed a very attractive feature of the Exhibition. Through the influence of the local committee, the use of the large and spacious Drill Hall was granted for the occasion by the commanding officer of the 1st Norfolk Volunteers, with the sanction of the Government. The Hall was admirably adapted for the arrangement and display of the articles exhibited, and the Exhibition altogether gave much satisfaction, both to the public generally and to the exhibitors themselves. The Exhibition was opened on Thursday morning, October 2nd, with an address by the Sheriff of Norwich, F. Bateman, Esq., M.D.* Short and interesting lectures were delivered on different days. Adjudicators were also appointed to examine and report on the articles exhibited, and to recommend to the Council to whom certificates of approval and merit for excellence in display should be given. The satisfactory arrangements and successful termination of this Exhibition are mainly due to the attention and energy which marked the assistance accorded to me by Dr. Hardwicke and Mr. Clode. Nor can I omit to mention that without the untiring industry and perseverance of my indefatigable assistant, Mr. James Robinson, who acted as Secretary to the Exhibition Committee, the Exhibition would have been wanting both in its popularity and success. The cordial co-

* See Address, Appendix A.

operation of the Local Committee was also all that could be desired. By general request the Exhibition was kept open three days longer than was intended, in consequence of the demand of the public for admission. Through the exertions of the Managing Committee and the co-operation of the Local Executive, the Exhibition was made entirely self-supporting, the charges for space and for admission being just sufficient to defray the expenses incurred.*

The meetings of the departments at the Congress were well attended, and the special questions were discussed with interest, and in some cases with great earnestness. The voluntary subjects also were well considered. The report from the Council to the concluding meeting contains a summary of the proceedings and a statement of the nature of the business transacted.†

The meetings in London of the past Session have all been very well attended. During the Session twenty-two meetings were held, and since the publication of the last volume of Transactions four day conferences were held during the last Session. The subjects discussed at these conferences were Prison Discipline and Prison Labour, the Education of the Middle Classes, Primary Instruction, and Local Taxation.

The papers and discussions at these meetings are printed in another form and circulated among members paying the full subscription of two guineas annually.

The Council petitioned the House of Commons in favour of the Supreme Court of Judicature Act. This petition was kindly taken charge of by the Right Honourable Lord Coleridge, then Attorney-General. The standing committee of the Jurisprudence department also suggested to the Government some amendments in the Bill. Some suggestions on the Juries Bill were very favourably taken charge of by Mr. Watkin

---

* See Report of the Managing Committee to the Council, Appendix B.

† See Report to Concluding Meeting of Members, Appendix C.

Williams, Q.C., M.P., but the Bill was afterwards withdrawn. The Council were also prepared to petition the House of Commons with certain amendments in favour of the Public Prosecutors Bill, but its early abandonment rendered this course useless. The subject of the supervision of criminals, with a view to the prevention and detection of crime, was again considered; and a memorial asking for the insertion in the Prevention of Crime Bill of provisions for punishing persons for allowing their premises to be occupied by reputed thieves was presented by the Council to the Secretary of State for the Home Department.

A conference of Visiting Justices, for the discussion of various important questions connected with the management of borough and county gaols, was held by the considerate permission of the Earl of Dudley in the picture gallery of Dudley House. The treatment of criminals and the punishment for prison offences, and labour in prisons, were the subjects discussed. The question of prison discipline was also a special one for discussion in the Repression of Crime section at Norwich, and a resolution was passed there, recommending the Council to consider the propriety of memorialising the Secretary of State for the Home Department in favour of the appointment of a Royal Commission to inquire fully into the discipline and management of all county and borough prisons. The Council subsequently approved this course, and a fitting opportunity is now being required for the attendance of a deputation to present the memorial.

The subject of the treatment of prisoners before trial, brought to the notice of the Plymouth Congress, was inquired into by a sub-committee, who, having obtained the necessary permission to visit the police cells in the Metropolitan and City of London districts, made a series of visits to the cells of the various stations, and reported to the Council on their sanitary condition.

A joint deputation of this Association and several educa-

tional associations waited on Mr. Forster at the Privy Council Office, to urge upon him the re-introduction into Parliament of the Endowed Schools Bill, No. 2. The deputation was numerously attended, and Mr. Forster promised to carefully consider the matter.

The introduction of the Public Health Bill (1872) has engaged the earnest attention of the Joint Committee of this Association and of the British Medical Association on State Medicine and the Administration of the Sanitary Laws. In that measure the cardinal principles laid down by your Committee as essential to any well-considered scheme of reform of the laws relating to the public health, and of the authorities by whom such laws should be administered, have been entirely ignored. There is no doubt that a consolidation and amendment Act must shortly ensue.

A series of resolutions of the standing Committee of the Economy and Trade department having been reported to the Council, recommending medical registration and legal enquiry into the causes of all deaths at sea, the Council authorised the appointment of a deputation to wait upon the President of the Board of Trade and upon the Registrar-General of England to urge these views upon their attention. This will be done at the earliest opportunity.

The subject of the destruction of wild and dangerous animals in India was considered, and, on the undertaking of Lord Napier and Ettrick to bring the subject before the House of Lords, the further consideration of it was postponed for a time. On the 27th of June, Lord Napier called the attention of the Government to the evils complained of, and was assured by the Duke of Argyll that a request would be made to the Viceroy to take the whole subject into his consideration.

The Committee of Capital and Labour had under their consideration various strikes and threatened strikes. On the part of the committee, representatives visited Barnsley to

assist in bringing the dispute between the power-loom weavers and their employers to an end, and to urge arbitration as the basis of the settlement of their disputes. This at first was rejected, but ultimately the principle was adopted, subject to certain conditions. The Committee have received the thanks of both parties for their services. The arbitrators requested the Executive Committee to appoint an umpire to act in case of their disagreement, whereupon an application was made to Sir J. Kay Shuttleworth, Bart., to undertake the office; this was readily acceded to. His services, however, have not been required, the arbitrators having agreed to an award in favour of the employers. The Committee also had their attention directed to the builders' strike and lock-out in London. The Committee addressed a letter to each, advising that an equal number of masters and men should meet in friendly council to try to settle the points of difference. This advice was accepted, and the strike, so far as the masons were concerned, came to an end.

Book the second of Draft Outlines of an International Code, prepared by Mr. David Dudley Field, of New York, a member of the Special Committee of this Association, appointed in 1866, of jurists of all nations, for the purpose of drawing up a complete code, has been received. The volume treats of the modifications in the relations of nations, and of their members, to each other, produced by war.

The sum of 300*l.* has been offered by His Excellency Señor Don Arturo de Marcoartu for the best essay on the question, which he puts as follows:—"In what way ought an International Assembly to be constituted for the formation of a Code of Public International Law; and what ought to be the leading principles on which such a Code should be framed?" The essays to be sent in by the 1st of June next.

Various subjects have been considered by the several Committees and dealt with.

The Session of 1873-4 was opened on the 17th of November

with a paper by Mr. Thomas Webster, Q.C., F.R.S., on the Amendment of the Law of International Copyright. The question was referred to the Committee of the Jurisprudence department, who have resolved to memorialise the Foreign Office and the Board of Trade on the subject.

Following the practice of two former years, a central conference of Chairmen and Vice-Chairmen of Boards of Guardians, to discuss subjects of Poor Law administration, was held on December 16th, at the rooms of the Association, when the proposition of Mr. T. B. Ll. Baker, to place this annual conference and other distinct conferences convened for a similar purpose on a permanent and systematic footing, through the agency of the Association, was discussed and approved. The Operation of the Public Health Act and Contagious Ophthalmia in Workhouses were the subjects discussed, and at an adjournment of the conference to January 15th a discussion took place on the best means by which Guardians may utilise voluntary efforts.

The Council have authorised the printing and publication of the proceedings of the district conferences and of the central conference in London, on terms mutually advantageous to the representatives attending the meetings and to the Association. A report of three of these conferences, namely, the West Midland, held at Malvern; the South-Western, held at Exeter; and the Central, held in London, are now in the press, and will be published separately, at this office, in a few days. In this way a large amount of valuable information connected with the important subject of the administration of the Poor Laws may be obtained and diffused at a comparatively small cost.

Since the publication of the last volume, the Council have to record the death of John Stuart Mill, a member of the Association. The Council, by resolution, expressed their regret, acknowledging the great value of his services and the loss sustained.

The Council have also to regret the death of Professor Katchenowsky, a corresponding member of the Association, and among others of the following:—Thomas Baring, M.P., Rev. Canon Barton, Lord Colonsay, S. Brocket-Brocket, Robert Charlton, George Dornbusch, Alfred Fowler, J. G. Gardiner, William Gladstone, James Haughton, W. H. Moss, Daniel Pratt, Sir David Salomons, Bart., M.P., Charles Taaffe, Sir William Tite, F.R.S., M.P., and Jacob Waley, LL.D.

In presenting to the public this volume of *Transactions*, the first which it has been my duty to edit, I cannot refrain from expressing my thanks for the able and willing assistance that I have received from my coadjutors, the Secretaries of the various departments, and also from many authors of papers, in preparing this work for the press.

The next Annual Congress will be held in Glasgow, in the autumn.

C. W. RYALLS.

February 1874.

FELLOWS' L... ASSOCIATION ... CAL.

Opening Address

BY

LORD HOUGHTON, D.C.L., F.R.S.

PRESIDENT OF THE ASSOCIATION.

I AM inclined to think that any distinguished Man of Science who annually presides over the Meetings of the British Association has a comparatively easy task to perform. He is well-acquainted with at least one branch of his subject, and is supplied with accurate information of all discovery and progress in others. He is thus enabled not only to make his audience familiar with the results of the latest observation, but to let them feel at what point they actually stand in each path of human knowledge, and how far they are justified from their comprehension of the past in looking forward to the development of future phenomena. Such is not the position of the occupant of this Chair. He has not to deal with numbers operating under conditions of absolute certainty, or with processes following the unvarying laws of external nature. His factors are living men, creatures of appetites, passions, hopes, fears, and all the other incidents of temperament and will. The very Laws and Institutions to which they are subject are in great part of their own formation, and partake of the mutability of their nature and of the uncertainty of their destiny; their very powers of observation are limited by the conditions of the society in which, at any given moment, they happen to be placed, and affected by all the influences they profess to criticise or examine.

The record of circumstances which is commonly called History takes inevitably the colour of the thoughts and opinions of the times in which it is written, and Legislation, which we might fairly assume to be the expression of the moral and political ideas of mankind at any particular place or period, proves on accurate examination to be a very false representative of actual life. The fierce and unscrupulous repression of disorder becomes the nurse and propagator of habits of violence and tastes of cruelty, and ingenious devices for the detection and suppression of fraud only increase the ingenuities of villany; and not

until the long and gradual processes of Civilisation call out a spontaneous action of the individual will, in concurrence with the legal requirements, do we attain that social condition in which your notions of what is right and just stand any chance of being realised. We need not look further than the annals of our own country for an illustration of this necessity. In the earlier half of the fourteenth century the ceremony and functions of public justice were nearly as complete as at the present time. There were the Central Courts of Justice, not following the King's person though often honoured with his presence—the King's Bench, the Common Bench, and the Exchequer, sitting regularly as now; there were the Justices in Eyre, pursuing their circuits at stated periods and with undisputed functions, both of Assize and of Gaol delivery; there were the Commissions of 'good and lawful men' appointed to keep and maintain the peace as represented by the Town and County Magistrates of our day; and yet life and property were little more secure than when Archbishop Lanfranc implored the Pope to relieve him from the responsibility of being the religious ruler of such godless tribes of barbarians. There was hardly a district without its private war, hardly a road without its organised brigandage, hardly a city without its continual tumults, in which every prisoner had his hope of rescue. That very institution of Jury to which we now look with an almost superstitious reverence, that shrinks from any alteration of its form and procedure even on the most substantial grounds, was distorted by the predisposition of class and locality into an organisation for the impunity of crime, and 'Party-swearing' and Perjury became a point of Honour. In the first volume of the 'History of Crime in England,' by Mr. Owen Pike, to the continuation of which every student of legislation and manners will look forward with interest, these facts are delineated with great vivacity and learning, and their consideration has impressed me strongly with the uncertain data on which all Social Science is founded, and the importance of the connection between Sociology and Biology, which Mr. Herbert Spencer, both in his philosophical works and in the elaborate tabular statement of Social Facts which he has supervised, and which I earnestly recommend to your notice, is now expounding and illustrating. But the human element with which even Mr. Spencer has to deal is no such æther as that in which suns rest and planets move, or even as that terrestrial atmosphere whose composition we can analyse, and whose very storms we are learning to subject to law. Science may draw its deductions and calculate its averages from accumulated facts, but we, who have to deal with a

small range of phenomena, and to apply our conclusions to the better order, the more established peace, the clearer enlightenment, the wider comfort, the deeper happiness, of the social life in which our lot on earth is cast, may well be forgiven if sometimes we doubt whether, even if we ever do come to a scientific perception of the Laws of Social Humanity, it will help us much in the solution of the problem of daily existence. Civilisation, acting through education, must increase the number of motive forces in the intelligence and consciousness of the individual, so as to liberate him more and more from that dominion of one passion or one idea which endangers his moral liberty, and which, in its ultimate form, is insanity in the Man and fanatic fury in Society. The force and number of bad motives must be diminished by a larger distribution of wealth, by the elevation of labour, by the more just relation of classes, and by a firmer independence of character. Yet, after all, the practical Social Science will ever consist in making the best we can of the materials before us, in the simplification of laws—and in the integrity of their execution, in making knowledge of easy access and of effective communication, in diminishing to a minimum the sanitary dangers incident to the agglomeration of masses of men and to the exercise of occupations either in themselves perilous or exposed to noxious influences, and in facilitating to the utmost the participation of the largest number in the produce of human labour and invention.

Having now for a moment paid a becoming homage to the sphere of thought and imagination which may rightfully entitle itself Social Science in the sense of physical Psychology or absolute Utility, I fall back on a plain statement of the legislative measures of the last year that affect the jurisprudence, the intellectual growth, and material welfare of the British nation—and on one or two questions which at the present time especially occupy public attention.

The question of the submission of International disputes to a neutral Tribunal has received some illustration from recent events. The boundary between certain British and American possessions has been referred to and decided by the Emperor of Germany in favour of the United States. It seems strange that a Treaty professing to decide an uncertain frontier should not have been accompanied by a survey and plan which should have made such a doubt impossible. It is to be hoped that in future the Foreign Office will call into requisition the services of the Royal Geographical Society, which would at any rate take care that we fully understood the nature of the locality that might be the subject-matter of settlement.

The Arbitration of Geneva is of far graver import. It was conducted with much apparatus of political labour and legal ability, and its judgment has been received with a discontented submission. The defeated party in a friendly suit is rarely convinced of the complete justice of the decision, and the powerful remonstrance of the English arbitrator has seriously damaged the general satisfaction at the experiment. An especial difficulty in the conduct of such a proceeding has thrust itself upon our notice. The desire to substitute pacific negotiations for belligerent action has been long in the minds and hearts of civilised men, but the constitution of a competent Tribunal has always formed the chief obstacle to every solution of the problem. Immanuel Kant, in his 'Project of Perpetual Peace,' has nothing more practical to propose than a Confederation of Nations, *civitas gentium*, which should act at once as judge and executive in all international quarrels, and I do not know that any Court has hitherto been devised more capable, from the character, judgment, and intelligence of its members, than that which met at Geneva. But it may be doubted whether there was not something in the nature of the case presented to them which, from the very fact of their being foreigners, it was almost impossible for them entirely to comprehend. For instance, the British Government had agreed to abide by the issue whether they had or had not exercised 'due diligence' in preventing the Confederate States of America from making use of British ports for the construction of Vessels of War. The Municipal Law of England at that time was confessedly inefficient for that purpose, and it required a more stringent measure, such as the present Foreign Enlistment Act, founded on the recommendations of the Commission on the Neutrality Laws (of which I had the honour to be a member), to render impracticable such an abuse of the hospitality of a neutral state. The arbitrators may have argued that it was the duty of the British Government at that time so to strengthen the vigour of their municipal law as to enable them fully to carry out the neutrality they professedly desired to maintain, and in the abstract they would have been right. But an Englishman who had lived through that time and been cognisant of the public feeling of the governing classes of this country would have been aware how impossible it would have been for any Government to have carried through the House of Commons an alteration of the law apparently at the dictation of the Northern States of America, and which might have had the effect of turning the balance of the contest against the Confederate South. Thus in truth England has been amerced,

not for any undue neglect of the statesmen of the time to administer the law as it stood, but for a condition of public opinion which, from whatever motive, mistook the power of the contending parties, and allowed feelings or prejudices to obscure political judgment. When we wanted it for our own purposes, and in accordance with the sentiments of the time, the requisite amendment of the law was carried through both Houses of Parliament in twenty-four hours. For this and other political reasons it is doubtful whether the general cause of International Arbitration has gained by the late proceedings, although the adoption of a resolution in favour of the system by a majority of the House of Commons towards the end of the Session might seem to warrant a different conclusion.

The same objection does not apply to the results of the Mixed Commission sitting at New York, which has just terminated its labours, confirming the value of the principle of Arbitration in all affairs where the question is one of amount, and one which does not implicate Government discretion or national honour.

In addition to the present treaties for the Extradition of criminals with France, the United States, Germany, and Belgium, others of a similar nature have been this year concluded with Italy and Denmark; others with Brazil, Sweden, and Norway have been signed, but are not yet in force; negotiations have just arrived at a satisfactory conclusion with Austria and Hungary, and are in progress with the Netherlands, Portugal, Russia, Switzerland, Hayti, Ecuador, and Central America, showing great advance in the combination of the high police of civilised nations for the detection and punishment of graver crimes. Our existing Treaties with France and the United States are under revision with the intention of extending and ensuring their efficiency. The local arrangements between our Colonies and adjacent countries, though numerous, are yet far from complete.

There is a clause in this year's Amendment of the Merchant Shipping Act which may be the means of checking some acts of violence that have hitherto escaped punishment from a defect in our International obligations. I allude to cruelties committed on the high seas by Englishmen or Americans in the Merchant Service. It is now fourteen years since a Liverpool merchant distinguished in commerce and in letters, Mr. Henry Bright, directed attention, in a letter addressed to Mr. Samuel Whitbread, to the flagrant cases of assault and even manslaughter that came to the knowledge of the Liverpool authori-

ties, but for which, in consequence of the locality in which the offence took place, there was no legal remedy. The number of unhappy sailors who were removed to the Liverpool Hospitals from the ill-usage they had received was so great that they were commonly called 'Consular Cases.' I brought the question before the House of Commons in 1859, and during the following Session Sir George Cornewall Lewis informed the House that he was engaged in negotiation with Mr. Dallas, then United States Minister, and that the draft of a convention had been transmitted to the American Government. Since that time the subject has slept: the great issues of the American War overshadowed all individual wrongs and interests, and it now remains for Lord Granville to use the powers conveyed to him by this new Act of Parliament to supply this defect of justice.

The Session of 1873 has not been fruitful in measures of higher legislation. The Commission, of which Lord Cairns was the leading member, has resulted in the establishment of a High Court of Judicature, to which will be transferred the Appellate Jurisdiction now exercised by an informal committee of the House of Lords. It is a curious question when the theory of the constitution of the whole House as the Supreme Court of Judicature, passed into the practice of confining the consideration and decision of all cases of Appeal from the inferior Courts to the Law Lords who happen to be Peers. The last attempt to revive the ancient custom was made by the late Duke of Richmond, in the case of the 'Queen *versus* O'Connell,' but without success, as is not surprising when the specially political nature of the matter in question is remembered. It is, indeed, not improbable that the fear of tainting the pure stream of justice with political or party feeling may have had as much to do with the practical abandonment of their legal privileges by the lay Lords as the natural unwillingness of Englishmen to interfere in matters not strictly appropriate to their knowledge or capacity. It is, however, certain that the more patent defects of the present tribunal, such as the prorogation of the Court during the Parliamentary Recess, and the voluntary attendance of the Judges, might have been obviated without so sharp a break of constitutional tradition, if there had been in the public mind an earnest desire to sustain the dignity of the Hereditary Assembly. A more serious issue will be raised when the schedule of the Act which regulates the procedure comes to be applied and criticised. There is something fascinating to the popular ear in the fallacious phrase, 'the Fusion of Law and Equity,' and a Minister of the Crown has lately taken credit for the cessation of such a scandal as a suit

being decided one way in one Court and another in another; but it remains to be seen whether the duty and constitutional right which Courts of Equity have exerted, when they assumed to administer relief required by justice and not obtainable at Law, will be satisfactorily exercised under the new system, and whether there may not be still place for the *dictum* of the first Lord Redesdale, 'that the separation of Law and Equity has produced a purity in the administration of justice which could not be effected by other means.' It is also worth notice that the absence of clerical judges from ecclesiastical appeals will follow from their transference to the Supreme Court, and no colour of spiritual validity will remain in judgments on doctrinal disputes. While this exclusion will, no doubt, relieve the chief authorities of the Church of England from occasional obloquy, it may offend the feelings of many excellent persons to see the most solemn controversies of theology decided by a bench of laymen with the simplicity of a contract-debt.

The only novelty in the public Administration has been the establishment of a Board of three persons, commissioned to arbitrate on railway matters between the different Companies, and to interfere, for the public advantage, at the solicitation of certain Corporate bodies. It is invested with large discretionary powers, and can decide without appeal on questions of fact. There seems no especial reason at this moment for the formation of such a Tribunal, and it probably would not have taken place but for the accident of the desire of two Northern railway companies to give to their reciprocal traffic-arrangements the validity of a legal amalgamation. This proposal offered such evident advantages for the convenience of the public, that the difficulties which stood in its way came upon its promoters almost as a surprise, and, although not received by Parliament with any positive ill-will, it was postponed till a joint-committee of both Houses had reported on the general question of Railway Amalgamation. The evidence taken was various and valuable, and the Report balanced the objections and advantages with great ability, without coming to any absolute decision. It left each case to stand on its own merits; but the discussion which had been provoked in Parliament and in the press suggested the appointment of a Government authority which should facilitate the combined action of different companies, and assist in removing obstacles to the convenience of locomotion and the transit of commerce. Excited by this action on the part of the Government, the far larger speculation of the purchase and future management of the Railways of the United Kingdom by the State has been

agitated with considerable fervour. A paper by Mr. Biddulph Martin, read before the Statistical Society in March, and the discussion which followed it, as well as a paper by Mr. Haughton and the debate in which Mr. Forster took part at the late meeting of the British Association at Bradford, will well repay perusal. The refusal by Parliament of the first large amalgamation demanded may seem to indicate an indisposition to move at all in the direction of any extensive scheme of enlarged administration; but it is not likely that a question so attractive to that class of politicians who look to centralisation and State-authority as a panacea for all imperfections, according to the immediate fashion of modern democracy, will be allowed to rest. On the one hand will be urged the probability of a general reduction of railway fares, and the possibility of some uniform rate analogous to the penny-postage—the more direct action of public opinion producing a readier adoption of new and improved machinery, better station-arrangements and accommodation, with a more liberal supply of railway servants, and an expectation of additional security to life and person as inferred from the immunity from accidents in the Royal Navy when compared with those that occur in the mercantile marine. On the other side, it may be legitimately argued that the difficulty of an operation estimated at from 600,000,000*l.* to 1,000,000,000*l.* sterling, might awe even the financial audacity of our time, especially as it would be necessary to calculate not only present but future profits—that there is a flexibility and adaptation to circumstances and localities in our present system which a rigid and uniform public administration will not supply —that the addition of so vast a patronage and influence to the present power of the Government of the day, will not be regarded without jealousy and suspicion—and that there is something in the spirit of the English people which attaches them to the exercise of private enterprise and individual energy, beyond all considerations of economy, or even of unity and completeness. Whichever of these orders of thought may ultimately prevail, it is indisputable that up to this time, whatever may have been the cost of competition and the loss to individuals, the result to the country is such a network of railway-accommodation as no other nation approaches, and a continuous course of concession on the part of the companies to the public convenience and demands.

No practical progress, I fear, has been made in the vexed question of Sanitary Reform. Day after day it comes before us illustrated with fresh disaster and novel difficulty. The conflict of powers can only be averted by some absolute autho-

rity, and even when that authority is established it too often refuses to move. There could be no better evidence of the exigencies and embarrassments of the present state of things than the story of the Bill which Mr. Powell and Sir Charles Adderley introduced during the late Session. It was cordially supported by the Government; but the new arrangement which prevents any fresh matter from being brought on after half-past twelve having delayed the second reading, when it had passed the next stage the Session was too far advanced for any further procedure. The loss of this measure is much to be regretted; it would, among other useful enactments, have given to Rural Sanitary Authorities the powers of making bye-laws and of compulsory purchase which are now only possessed by the Urban Authorities, and would have enabled the Local Government Board, by order, to supersede the sanitary authority in cases of non-performance or neglect. It will, perhaps, be found necessary in future legislation on this pressing subject, to give to a much smaller proportion of the inhabitants than is now required the means of setting the Local Government Board in motion, and owners must have more power to act independently of their tenants.

The operation of the Licensing Act of Mr. Bruce, now Lord Aberdare, still excites considerable interest, and is the subject of some angry discussion. The privilege of extended time granted to public-houses in the Metropolis produces much jealousy in many large towns; and indeed it is difficult to allege any apparent reason why Liverpool should go to bed an hour earlier than London. The practical difficulty, no doubt, lies in drawing the line between many large towns and those of moderate dimensions. The Home Office has issued circulars desiring information respecting the effects of this legislation on the morality and peace of the different localities, and some of the answers have already been made public. They all agree that the general tranquillity is improved, but there is little or no evidence of the diminution of intoxication. Indeed the committals for drunkenness have, on the whole, increased, though this may be attributed in a certain extent to the greater vigilance of the police, and the unwillingness of the owners of public-houses to detain customers who might compromise their interests. We may therefore assume that the extent of this national calamity has not seriously been affected by any legislation. Nor, indeed, does the evil seem to yield either to the immense moral pressure which is brought to bear upon it by the general consciousness of its intensity, nor to be touched by the personal protest and self-denial of

multitudes. The earnestness of this feeling has taken a most unusual direction in this country in asking for so extreme a form of legislative interference as would empower the majority of a locality to suppress by force a whole category of ordinary trades and occupations, and in making this demand an election-cry and test of political capacity. Wise or not, just or not, politic or not, possible or not, there is assuredly something deeply pathetic in the subordination of general objects and desires to this conviction of one predominant social misery, consequent on the temptations and weaknesses of mankind. It would, however, almost seem as if this very enthusiasm had provoked an obstinate resistance on the other side, just as the unflinching severity and stern ideal of Puritan life and manners was followed by the licentiousness of the days of Charles II., and there is no doubt that the advocacy of the Permissive Bill has given cohesion and prominence to the Publican interest. Might not something more be done by more attention to the improvement of manners, and to the physical causes to which a large portion of our present drunkenness is indisputably due? A more general and careful education, an extension of moral interests and intellectual pleasures, a greater variety in the pursuits and social comforts of domestic life, a clearer perception of the indirect consequences of self-indulgence, have resulted in an entire change in the habits of the upper classes, as compared with the customary intemperance of the last century. Why should we not anticipate an equal alteration if we could cultivate the tastes, improve the dwellings, enlighten the understandings, and elevate the sense of responsibility in the operative masses? We may well be hopeless of extinguishing the yearning for alcoholic excitement where extreme poverty and hopeless misery give to drink the facile charm of the cheapest food and the readiest forgetfulness; but much may assuredly be done to check its abuse by the vast numbers who have not the plea of necessity or the excuse of despair. Here, indeed, it shows itself in the saddest form of all, in the wrecking of prosperous homes, in the gradual imbecility of fair, even ot superior, natural powers, in the daily corruption of an honest mind by conscious falsehood and secret shame. Such simple means as frequent fountains of pure water and a ready supply of unintoxicating drinks deserve the attention not only of charitable individuals, but of Associations and even of the State. If tea-and-coffee-houses, without any especial ensign of temperance, were at hand for the thirsty workman, as they are in most parts of the Continent, he would not have to resort to the

public-house to satisfy a simple desire of nature, and, if places of innocent amusement were more attainable, the tavern would not be the only 'soirée' of the people. But there seems to me to be yet another direction, to which I would lead your attention on this matter. A national love for strong drinks is a characteristic of the nobler and more energetic populations of the world: it accompanies public and private enterprise, constancy of purpose, liberality of thought and aptitude for war; it exhibits itself prominently in strong and nervous constitutions, and assumes in very many instances the character of a curative instinct. The action of alcohol is believed by many eminent physiologists[1] to arrest metamorphosis of the tissues of the body, and to lessen the actual amount of carbonic acid discharged, yet, just as medicine improperly administered is poison, so the immoderate use of alcohol generates disease and tends to death. This view of the question has led to the consideration whether intoxication should not, to a great extent, be medically studied and treated, and whether it is not frequently connected with the peculiarities and defects of the individual constitution. It is certainly substantiated that the craving for drink is symptomatically connected with maladies of the digestive organs, the heart, and the nervous system, especially with epilepsy, and that it is diminished in proportion as these disorders are cured. How far it can be affected by direct remedies is a scientific problem. Without absolutely agreeing with the Italian physician Salvatori, 'that the habit of drunkenness is an affair of the apothecary,' it is admitted on all sides that the pharmacopœia does contain many drugs by which the stimulant appetite may be, apparently harmlessly, satisfied, but their effects have not yet been sufficiently observed and tested to determine whether the remedies may not generate fresh disease. Enough, however, is known fully to justify the establishment of such institutions for the treatment of habitual intoxication as already exist in the United States and in Scotland. If they were more generally accessible and in more common use they would be taken advantage of for preventive as well as for remedial purposes. As long as they are only frequented by persons whose health is already destroyed, and with whom excess has become almost a necessity of life, their work must be most difficult and their prospects of success very doubtful; but if they were resorted to in the premonitory symptoms of drink-craving, and especially in the numerous melancholy cases of hereditary tendency, they might confer an inestimable benefit

[1] For instance, Bœcker, Prout, and Snow.

on mankind. I need not remind you of the efforts of Dr. Dalrymple, whose sudden death is so severe a blow to the success of this Meeting, to invest the heads of such refuges with a legal coercive authority, but which have not as yet been attended with success, owing, no doubt, to the fear of such possible abuses as have accompanied the treatment of Lunacy, and which even our present elaborate system of Inspection has not altogether corrected.

Prisons and Prison organisation have from the commencement of this Association formed a prominent part of its deliberations; and, now that all gross inhumanity has disappeared from our Penal Discipline, and that the inspection of any ordinary prison leaves on the visitor rather an impression of an excess of care for the comfort of the criminal compared with what would have been his probable condition in the ordinary struggle of life, you will appropriately discuss whether further reforms are not demanded by finer considerations of the duty of the State to the individuals it has taken under its immediate care and by larger views of social policy than have hitherto prevailed. As long as the changes consisted in administrative ameliorations and mitigations of punishment that recommended themselves to the common feelings incident to advancing civilisation—such as the limitation of the capital penalty, the purification of our prisons from moral and physical squalor, the restriction and diminution of corporal correction, the improved supervision of the prison-staff, and the decent administration of the offices of religion—there was no stint of public expenditure, no objection on the score of exaggerated sentiment. But it is otherwise when it is required that prisons should be not only places of secure detention and of penal infliction but of intellectual instruction and moral reform. The difficulty of the position does not seem to be surmounted by any one of the various theories from which the Right of Punishment can be deduced. If the principle of Compensation (*pœna, ποινή*) which satisfied the early world be sufficient, then Society, placing itself in the room of the Avenger, has to encounter all the internal and external embarrassment that attends the exercise of that instinct or passion under the restrictions of Christian morality and the civility of an ordered State. If the principle of Utility is alone to be consulted, then the balance has to be struck between the amount of suffering necessary to frighten the criminal from the repetition of his offence, and yet not so severe as to render him the despairing enemy of Society. If, again, the foundation taken be the Imperative either of a logical proposition or of a moral sense of justice, we cannot leave out

of view the liabilities to crime to which the prisoner has been inevitably subjected by the conditions of the class among whom he has been bred, even if we make no allowance for the evil propensities of his nature, or the invincible vices of his temperament. And even if we are willing to go no further than the Right of the strongest,—and as yet, thank God, the Law in this country *is* the strongest,—we must so direct and modify our force as to economise its energy and ensure its impression. Perhaps the safest rule is to advocate alterations that are less the introduction of new principles than the better application of old ones. It has long been conceded that the old gregarious treatment of prisoners as outlaws of mankind and the consequent carelessness as to whether they lived or died, whether they left their incarceration terrified and subdued or desperate and dangerous, was both inhuman and impolitic; but an individualism which would exact that every inmate of a gaol or house of correction should be as scrupulously tended as a dependent or suffering member of a well-ordered household, would require a cost of supervision so much greater than is expended on the ordinary services of the State, and such an absorption of attention and sympathy by a particular class, that public opinion would be shocked, and probably react in the opposite direction. Again, the feeling that vice and crime are the greatest of personal calamities, and to be regarded with infinite compassion, is the foundation of Christian ethics; but such an indulgence of it as would relieve the guilty from the sense of the rough reprobation and honest anger of their fellow-citizens would be an abnegation of the common moral facts on the acknowledgment of which the very safety of society depends. Yet assuredly these admissions need not prevent any greater perfection of sanitary arrangements, especially in the use of good water, which is deficient in some of our best prisons, or such an increase of instruction as would ensure that every prisoner, after a year's detention, should read, and after two years should read and write, or such a variety of trade-teaching as would suit the abilities of the pupil and the habits of the locality so that, on his discharge, every prisoner might have some occupation to fall back upon; or, what seems to be singularly neglected, such a combination of secular with religious instruction as would bring clearly to the minds of the prisoners the nature of the causes that had led to their present position, and the relative duties and interests of society and themselves.

No great assistance can be expected from a comparison between our own systems and those of foreign countries.

There can be no institutions where beneficial organisation must depend more on special national character, habits of life, and circumstances of locality, than those of a penal nature; and treatment of prisoners applicable to Italy or the United States might be here as much out of place as if we fed our convicts on macaroni or maize. On the alimentary question, indeed, a far greater diversity might be advantageously allowed, even in this country; and it might safely be left to the discretion of the local magistracy to regulate the dietary, so as to give the prisoners a sufficient, but not more than sufficient, supply of the common food to which they had been accustomed, instead of the quantity aud quality being decided by the Home Office, with little or no regard to the natural produce of the district and customs of the people. The difference of religion ought also to be taken into account more distinctly than it is. The Roman Catholic priest has other functions and powers than the Protestant pastor; and the strict method under which he conducts his ministrations may enable the authorities to permit him a freer access than they would do to Ministers of Religion more dependent on individual impulse.

The execution of Criminals within the walls of the prison may be now regarded as an established practice. When I brought this proposal for the first time before the House of Commons it was coldly received, and strongly opposed by the advocates of the total abolition of the Punishment of Death—no doubt mainly from the belief, which the event has shown to be true, that the change in the mode of execution would diminish much of the repugnance to the penalty itself. I remember attempting to get the alteration made by Order in Council, just as the transference of the place of execution from Tyburn to Newgate had taken place at the end of the last century, in the teeth of the analogous objections of the loss of public edification by the long transit of the culprit from the City to Hyde Park, not without an occasional halt at a public-house in Holborn or Oxford Street on the way. But Sir James Graham did not like to take on himself the responsibility of the change; and it is better that it should now have been accomplished by an Act of Parliament than by an executive decree.

The whole position of prisoners after their discharge has been altered since the Act of Parliament which has recognised Habitual Criminals as a class, and appointed especial means for their supervision and rules for their apprehension. They now no longer disappear, and, under a change of name, begin a new life in any of our large masses of population. It might have been expected that through this powerful engine of detection

there would have been fewer crimes of a serious nature undiscovered, and that the proportion of apprehensions to the offences committed would have been very large. But the last volume of 'Judicial Statistics,' which the Act itself has enabled the skilful officials of the Home Department to compile with the accuracy of a muster-roll, does not confirm this hope, and shows that, especially in London, the amount of latent criminality is so great as to justify general anxiety and precaution. Against this must be set the satisfactory statement of the diminution of the criminal class throughout the country, with the exception of some large towns, I am sorry to say, in my own county, where it is shown to have considerably increased, not certainly from the temptations of poverty, but in all probability from the sudden rise of wages, and the consequent free expenditure of the working-classes, inducing worthless characters to congregate about them, and often leading them away to evil courses.

The success of the Reformatory movement for the wiser and humaner treatment of children who have broken the law may fairly claim the credit for a portion of the arrest of progressive crime. It originated, some five-and-thirty years ago, as do in this country so many beneficial measures, in the intelligent philanthropy of a few men, shocked at the anomaly of making a crime in the children of the poor of what would be a fault in the children of the rich, and of actually breeding up with perverted care, under the tutelage and instruction of the ordinary inmates of our gaols, successive generations of thieves and scoundrels. Of this feeling I had the honour, in the year 1851, to be the first exponent in the House of Commons; and the main provisions of the Bill I then introduced under the title of the 'Juvenile Offenders Bill,' followed up by the exertions of Sir John Pakington, Sir Charles Adderley and others, are now the law of the land. It must not be forgotten that we had before us the admirable example of the French Agricultural Colony of Mettray, which, under the management of that energetic and discreet philanthropist, M. Demets, has maintained its ground through all the tumult of war and stress of revolution. It is mainly on the model of Mettray that has been founded and organised the Farm-school at Redhill, the statistics of which I hope to bring before one of the Sections of the Association, and of which I will only now remark, that I look on the extraordinary and almost uniform rate of the reformation of the subjects of its discipline as the result of the judicious application of healthful agricultural employment to the morbid mind and depraved constitution of the children of the towns. Among the questions incidental to

the present extension of educational interests, the suggestion of the transference of the Reformatories from the care of the Home Office to that of the Minister of Education has been suggested, and I have a letter from M. Demets, mentioning that some similar proposal has been made in France. M. Demets is strongly opposed to any such change, and, I think, with reason. It is most important, in the relation of Reformatory Schools to public opinion, that their penal character, in however mitigated a form, should be maintained. The children should never be allowed to forget that there has been an element of wrongdoing in their lives, and that they have been rescued from its effects by the benevolent interposition of the State and the community; and, on the other hand, the virtuous poor should have no ground for the belief that these children are essentially in a better condition than their own, but that, though cleansed from the taint of crime, they still have the mark of misfortune. Thus, in the education itself, we, at least in the administration of the Redhill School, are sparing of anything like high or scholarly instruction; our chief object is to send them out good working-men, with enough knowledge to make use of the opportunities we give them, but not to raise them to a superior condition of life.

The Poor Law in England among the States of Europe remains the only expression of the principle which was so distinctly asserted in the Jewish legislation, that the claim of the poor on the rich is not only a duty of religion, but a right of law. The practice of other Christian States is based upon the idea that the gift of alms is an act of Christian love, to be exercised without distinction of persons, even as God makes his sun to shine on the just and on the unjust. From the latter train of thought has resulted throughout the Roman Catholic nations the habit of indiscriminate almsgiving, and the toleration, if not the admiration, of mendicancy. With us, on the contrary, the pauper, if he has the privilege, has also the responsibility of a legal status. He must prove his case, he must submit to the conditions and restrictions of his position, and he loses his charitable relation just in proportion as he asserts his legal rights. Hence too necessarily follows the unhappy consequence that the primary virtues of the lowest class are discouraged, and even turned into disqualifications. Thrift, cleanliness, even honesty, are not only no claims to poor relief, but they are impediments to the receipt of it. 'Have you saved for a bad day? Have you a decent home? Have you so good a character that you can always get work?' 'Then,' says the relieving officer, and he can say nothing else,

'Do not come to me.' This is the penalty we pay for the hard line that must be drawn in any matter of legal obligation. On the other hand, there is a spirit of independence, often going to the wild extremity of voluntary starvation, that does not exist elsewhere, and connects itself with what is noblest in the national character. It would seem, however, from the large increase in out-door relief, that this feeling, which it was the object of the bold Act of the Whig Government some fifty years ago to generate and sustain, is now giving way to a degree that excites a well-founded apprehension in the minds of intelligent men, and that many interesting Conferences have been held in the hope of devising some remedy in legislation or administration. In Switzerland, where the obligation of relief comes nearest to that of England, while we have been abrogating the laws of settlement, so as to place no constraint on the freest search for employment or supply of labour, the Cantonal restrictions are still so great that no man can marry without the probable means of supporting a family, or remove into a neighbouring Canton without offering a similar guarantee. A democratic government has often advantages in dealing with questions of this nature which a more mixed constitution does not possess; and it will require a very great extremity to induce any abandonment on our part of the ancient security of the great social contract by which on the one hand the largest wealth may be accumulated without restriction or objection in the highest rank of society, while on the other no man, even the lowest, need ever sink below the necessities of existence.

The great Act for the establishment of efficient Elementary Education throughout England and Wales was accepted with an unanimity that could hardly have been anticipated in a country of such free and diverse opinions as ours. But the subject was very ripe for decision. Since the beginning of the century it had been growing in the moral sense, the religious conviction, and the political perception of the nation. The mitigation of the penal code, the increase of charitable institutions, the stronger conscientiousness of the aristocracy and gentry in their relations to the labouring classes, the enforced regulations in certain branches of manufacture with regard to the hours of labour and school-teaching of children, and, above all, the various extensions of the suffrage and the consequent dangers of organised ignorance, culminated in a somewhat indefinite demand for legislative interference which should secure, to the next generation at least, the use of the primary materials for intellectual and mental communication,

and give to the children of the poorest a fair start in the competition of life. The close, it may be the indissoluble, connection between morality and theology in the English mind, had drawn the vast amount of donations, attributed to educational purposes, into denominational channels, and the large grants in aid, contributed impartially by the state, had naturally followed the same courses. The matter, therefore, wherewith the Government had primarily to deal was the class, in the larger towns and remote country districts very considerable, which these benevolences had not reached, and which were growing up in a condition of inevitable mental destitution. The scheme, which, whatever be its ultimate fortune, connects Mr. Forster's name with the history of England, contemplated not the establishment of any one class of school which might suit some places and not others, but a full supply of efficient schools such as might be adapted to the habits and inclinations of the people of each district. It was the principle of a rate-in-aid, not of physical, but of intellectual, pauperism. During the last three years the work of the Department of Education has consisted in ascertaining the supply required in each of the 15,000 districts in England and Wales, and how far that supply is met by satisfactory schools already in existence—in proclaiming a deficiency wherever it exists, and settling with each locality how that deficiency is to be remedied. The voluntary exertions in building schools from 1839 to 1872 amounted to 4,279,000*l.*, and drew from the public taxation 1,693,000*l.*, to meet these efforts, and it is now a matter of consideration for the inhabitants of each district, whether the necessary education can be wholly provided by voluntary means assisted by school-fees, or whether a School Board should be established, with powers to levy the adequate rate. All the large boroughs in England and several large parishes at once recognised the existence of a deficiency, and the example has been followed in many smaller parishes where education had been greatly neglected. The efforts of the Town Boards to fill up deficiencies may be fairly measured by the number of public loans required, pressure for which has been so severe as to require special legislation, while in the country districts the voluntary action has been so successful, especially in the last six months of 1870, as to leave comparatively few to be dealt with by the Department. It is, however, from this very exhibition of individual energy that has arisen the acrimonious difference which now threatens to become a party cry. The financial profit of the year of grace accorded by the Act to denominational assistance may prove a dear bargain if it encumbers what ought to be a great measure of pacific

administration, with all the difficulties and accidents that are incidental to political conflict. Into that discussion it does not become us to enter. The Social Science Association, although interested in questions deeply connected with the national life, and avoiding no problem of public prosperity, has kept itself discreetly free from partisan and sectarian influences, and has maintained its serene and beneficent course equally under the presidency of Lord Brougham and the Duke of Northumberland.

I will permit myself but two observations in the present attitude of the question. I would respectfully suggest to those persons or parties who regard with such anxious suspicion the possibility of the occupation of the education of the large majority of the English people by any one form or order of religious thought, that in all enterprises of that nature there exist forces of repulsion as well as of cohesion—that the monopoly of instruction in the hands of the Church of Rome did not prevent the Reformation, and that in our free and open time any systematic attempt to confine the future mind of England within hard dogmatic limits either religious or speculative would utterly fail in its object. Again, it may be not out of place, nor an infraction of the right of every Englishman to make his individual notions a matter of national concern, if he can succeed in so doing, to implore both parties even in the very heat of the battle not to ignore a third party more essentially interested than either Church or Nonconformity, Government or Opposition—the Children themselves.

The principle of compulsory attendance at school has something in it novel and even alien to our usual habits of life: it interferes with the parental authority which our law so steadily upholds, and places the State *in loco parentis* in a manner repulsive to the independence of the English family. But the impossibility of carrying out any general system without this provision seems to be accepted by public opinion, and the cases where compulsion has been applied have met with no remonstrance. A large proportion of the districts have applied for these powers, while at the same time the indirect compulsion enforced under the Factory, Workshop, Mines, and Agricultural Children's Act (though the last will not take effect till the year 1875) will cover nearly every class of the working community. What has been done to provide a supply of efficient teachers and to rear up a body of pupil-teachers from whom that supply will be hereafter recruited, may be gathered from the Education Reports. How far it would be possible to conduct present schools or to supply future ones with so special

a class as that of men capable at once of imparting a sound and accurate knowledge of things in general and of satisfying the scruples of the School-Board member who objected to the singing of 'God Save the Queen' as an interference with religious and political liberty, is part of the great question which may have to be submitted to the country.

The reorganisation of Endowed Schools is an important subsidiary measure, and judging from the large number that have agreed to the new schemes, and the small number of recalcitrants, the measure may be regarded with satisfaction. Had the Commissioners shown a little more consideration for local interests and traditionary sentiments, their reform would not have excited the antagonism which in some cases has evoked the interposition of Parliament with success, and blinded the public judgment to the great good that has been effected, and the many abuses that have been rectified. The amount of consideration to be attached to Founders' wills must always remain rather a question of temperament and association than of logical deduction, and the arbitrary selection of any particular period at which these dispositions should become obsolete would not meet the difficulty or silence recrimination. The soundest principle is that the transformation should be gradual, and that the advantage contemplated by the change should be palpable and distinct. Unfortunately, the progress of ideas is too liable to pass from the stagnant pool to the tumbling cataract, and happy is the people who can feel an abstract pleasure in a pacific reform, without that revolutionary passion which awakens and confuses the destructive instincts of man with his most honest hopes or his noblest aspirations.

In the higher education, the opening of Trinity College, Dublin, without distinction of religion, is the work of the enlightened members of that corporation, and of that remarkable man who seems to have derived additional intellectual faculty from the deprivation of the most valuable of our senses, Professor Fawcett.

Our own two chief Universities have already been subjected to considerable reforms, adapting their large revenues and magnificent edifices to the wants and requirements of our time. But there is in prospect a change not of distribution but of principle, in the allocation of property now vested in the separate colleges, which will appear by some to be the most serious educational revolution that has taken place in this country since the Dissolution of the Monasteries. Whatever complaints may have been made of the diversion of collegiate property to illegitimate uses, it has hitherto been assumed that the under-

graduate members of a college who obtained high honours in the University had a full right to expect to participate in its wealth, and become part of its governing body. It seems that the question is now to be asked whether a man has a claim to any pecuniary reward whatever because he has condescended to take advantage of the great machinery of instruction which has been placed at his disposal, and has acquitted himself well in the pleasant incidence of a literary life, whether this education is not its own reward, or whether the body that has conferred it on him has not rather some claim on his future labours than he on its endowments? The result of a negative answer to this moral demand will be the application of the income of the colleges to the teaching-powers either in each separate corporation, in the University itself, or in other parts of the country. I do not think so sweeping a change can be effected without considerable resistance. The fundamental idea of a national education in which the chief, if not the only, stimulus to exertion should be the advance of the most meritorious to a higher school, may be ingenious and successful; for the advantage of passing on to a higher grade of learning is immediate and palpable, and is accompanied not only with intellectual gain, but with social elevation. When, however, you come to apply the principle to the higher, and even highest, acquisitions of knowledge, to the studies which do not, and cannot in any modern form of society secure a certain recognition and material benefit to those who have pursued them, it may fail, not from any defect in its soundness, but from the introduction of new and uncalculated elements. The object and aim of our Universities has been believed hitherto to be the infusion of a general culture among the wealthier and easier classes, rather than an apprenticeship for the long contests of life. If you take away all the material temptations that would lead a man to spend a portion of his youth in the study of the graces of classic literature or the powers of his own—in the knowledge of the larger theories rather than the immediate applications of science—in the comprehension of the principles that include the history and politics of society, and in the still higher processes which engage the intellect and imagination of mankind, it is very possible that you may neutralise the very intention with which the change has been made. You may come to have well-endowed professorships and empty lecture-rooms, an apparent elevation of literature and science and a real decline. Already the fear of wasting time in profitless study and the pressure in the race of personal gain have severely impaired the scholarly character of the clerical, legal, and

medical professions, and when the prizes that our Universities have offered, and which for so many have bridged over the first struggles and difficulties of practical life, are abolished, we may regret, when too late, the happy influences which they indirectly exercised over a wide range of the community.

The opening of the civil service to general competition has been hailed by a large portion of the public as a wise and generous concession on the part of the governing classes in the surrender of official and private patronage. Perhaps if it were more generally understood how great an incumbrance and trouble patronage is felt to be by public men, and how, with the rare exception of being able to satisfy private friendship and promote obscure merit, it brings with it neither pleasure nor gratitude, they would not be surprised to hear that it has been given up with so little resistance. As I see that the subject will form part of your sectional proceedings, in which I may have the opportunity of taking part, I will content myself with the observation, that we may have too much regarded this innovation in its relation to education without comprehending its political significance. Before its establishment the service in the public offices was performed by a very diversified body of men, nominated by heads-of-departments, peers, members of Parliament, and other persons who might chance to possess political influence. They were educated to their work in their separate offices, and performed it with adequate efficiency. One effect of this patronage was the dispersion of these appointments among all classes of society; but it was the poor and unfortunate who, by the interest their position excited, obtained the largest share. Another consequence was, that the public servants formed no cohesive body with common interests and common claims. The Civil Service, as a profession, is the creature of Competition. How far it will add to the general content and happiness of British society remains to be seen. It may possibly result in the existence of a class ill satisfied with their remuneration, chafing at their stationary or slowly-advancing position, conscious that they started in life with no obligations except to those who supplied the money for their tutorship (and education of this kind is for the most part a matter of money), and to their own faculties of memory and rapid apprehension. Whether they will be especially patriotic and public-spirited as becomes the servants of the State, is another question which I will not attempt to answer. Within the last few weeks the competition is extended to all the departments of the Home Office, to all clerkships in the offices of the Commissioner and Receiver of Police, the Inspector of Reformatory and Industrial

Schools, and the Directors of Convict Prisons, as well as to the Junior Sub-Inspectorships of Factories—services that hitherto have been thought, if not to demand, at any rate to be the better for, some special qualities which examinations cannot test and some moral characteristics which are not the subjects of marks and figures. How long the Foreign Office will be allowed to retain its limited nomination I cannot tell, if we are to measure the appreciation of the value of those merits for which it is eminent by the disregard implied in the indiscriminate opening of other departments which might have been supposed equally to require perfect confidence and high discretion.

The Presidency of your section of Trade and Economy, in the hands of Mr. Brassey, ensures a treatment of those subjects extending beyond the ordinary range of statistical inference and the area of our own immediate experience. The author of 'Work and Wages' will be glad to follow out the principles he has laid down in his admirable essay to the wider developments they have acquired under the pressure of recent events and fresh excitements of mankind.

Considering the interest that has been excited both in this country and the rest of Europe by the method of co-operation in trades and industrial employments, it is surprising it has not been more extensively applied. The London Co-operative Stores have started under circumstances of peculiar social favour and appear to be flourishing, but it remains to be proved how much of this prosperity is owing to the enlightened discretion of their management and to the far-seeing honesty of their transactions, qualities admirable in themselves, ensuring purity of goods, accuracy of account, and general confidence, but not necessarily dependent on the Co-operative system. The retail trader with capital and conduct might do as much, and thus has no just cause to quarrel with the competition. The Whitwood Colliery, belonging to Messrs. Briggs, has tided over these difficult times without suspension of labour or serious differences with their men, who participated largely in those profits which, though somewhat diminished, will probably accompany the future operations of the coal trade. But, whether owing to the strong individuality of the British character, or to a general habit of suspicion not only of the gains of their employers, but of the direction of their own class, neither trade combination nor industrial partnership seem likely to make any immediate revolution in our commercial life.

There has been a curious instance of this feeling in the fact of the recent proposal of Mr. Brand, the Speaker of the House of Commons, to his agricultural labourers in the

south of England to give them a proportionate interest in the profits of his farm having met with no acceptance, in spite of the moderate wages of the district. On the other hand, a development of the principle of Co-operation in rural industries seems to have taken place in the Western States of America, of such extensive proportions as may affect to a great extent the social relations of vast numbers of those rapidly increasing populations. The 'Farmers,' or 'Granges' are counted not by hundreds, but by hundreds of thousands, and rising as they do in a newly organised society and freshly inhabited districts, they will offer the occasion for such a test and experiment of the principle as the world has not yet seen. They propose to supply the whole agricultural community of the far Western States with every article of food, machinery, furniture and dress, without the intervention of any middle-men whatever, and, if they cannot acquire sufficient power over the present railroads to compel them to submit to any terms they choose to dictate, to establish an exclusive railway-system of their own. As long as a combination of this nature is carried on solely by constructive and even repressive means, there is no ground on which they should not be allowed fair play, but if we find the tendency of all such schemes to be aggressive, then they require to be watched with all the care with which aristocratic or monarchical tyranny has been guarded against and put down in former times. The saying that the 'despotism of the one is preferable to the despotism of the many' is so far true that the one, or even the few, can only assert and maintain his or their authority through the medium and with the assent of the many; whereas the many are, in the nature of things, absolute over the few. From the smallest strike to the vastest democracy, this is the dangerous principle which every lover of human liberty is bound to contend against and to modify, wherever it shows itself. Let it be adroitly managed and treated with careful restriction as were the governing powers of old, and, in the process of events, it may come to be limited just as they have been. Only do not let it be excused, or encouraged, or even elevated into something sacred by a kind of surreptitious loyalty, which is just as unreasoning and as servile in its application to demagogic leadership or popular dictation as ever were the adulation of a bad king or a dissolute oligarchy. Therefore let no one palliate its violence, or excuse its frauds; give it all the responsibility of Power; bow to it when you can do nothing else, with the sense that it is the right of the strongest, but do not idealise it into a superior Justice or transcendental Benevolence. It is thus that a true Social Science will regard the thoughts and hopes of

Socialism. If it can work its way by legitimate influence on the minds of men, if it can divorce them from old associations, if it can lay a new foundation of philanthropy, if it can open fresh channels to intelligence and untrodden paths to virtue, it deserves neither repression nor contempt, nor should it be judged wholly by its excesses. The horrors of the Paris Commune are no worse than those of the St. Bartholomew or the Sicilian Vespers, and there have been plenty of mad resistances in history parallel with those now going on in Spain. The ultimate verdict will depend not on whether such things are done, but whether such things are vindicated. Nevertheless the tendency to such outrages cannot be left wholly out of the consideration of the merits and virtues of the schemes themselves. A pretension to right society by destroying society is simply nonsense.

The various Socialist projects which came to a head in Paris in 1848 were eminently ideal and pacific. They had their meaning in the aspirations of earnest men after an order of things where all wants should be remedied by the employment of all capacities and by such a satisfaction of the natural instincts as to leave no place for vice or crime. Now the danger of such Utopias is that when they are attempted and fail, their promoters attribute their want of success to some malignity on the part of existing society, and the transition from this conviction to the right of resistance is short and easy. When exacerbated by such circumstances as the humiliation of an unsuccessful war or the unnatural tension of a long siege, it is no wonder that it should assume such dimensions of violence as have lately occurred in France, though even there the hostility, not only to the superiorities of station and wealth, but to the very arts and intelligence which separate barbarity from cultivation, was a new and hideous phenomenon. Indeed the very fact that the subject-matter of the contest not only involves the passions and susceptibilities of mankind, but the very necessities of life itself, makes it impossible that a contest of this nature should come to the bitter end of complete victory or defeat without misery starting up into rage, so that what begins as a social problem grows into internecine hatred.

One of the first Parliamentary Committees on which I served was on the old Combination Laws, which, acting on the principle of *principiis obsta*, made illegal every attempt to enforce by united action that interference between the employer and the employed which the individual could not accomplish. It was rather in anticipation than in experience of the discontent of the working-classes that those laws were repealed, and in the

belief that the general law of Conspiracy would be sufficient protection against abuse of the power which they could obtain. It is this security which it is now sought altogether to remove, and the ill-will that is exhibited to its retention is analogous to the dissatisfaction with which in former times kings and oligarchies have regarded any obstruction to their authority. To the checks that the good sense of this country has placed on the extravagance of absolute power, whatever be its nature and origin, it has owed its long liberties and sustained independence, and without attributing too much importance to any special provision or institution, we may well feel the importance of maintaining this principle against the despotism of the many as against that of the one or the few. And it is a curious illustration of the dangers of irresponsible power that the organisations to which I am alluding regard the laws of political economy with the same dislike that so many potentates have done who find in them a natural resistance, not only to their wilful desires, but also to their most benevolent projects and best designs to ameliorate the condition of their subjects. When after the terrible plague, called in our history the Black Death, and the consequent diminution of the population, King Edward III. enacted the Statute of Labourers, which fixed the wages of the labour of the population, and excited the socialist sedition of Jack Cade, he did no more than is now attempted by those who would overrule the relations of supply and demand, and the material dependence, or, more strictly speaking, the real identity of Labour and Capital. The revolt was suppressed, the statute became a nullity; and so will fail all designs, however ingenious, all projects, however generous, which rest on the violent transplantation, and not on the gradual and natural growth, of the organic facts of human society.

There is evidently something about property in Land which peculiarly affects the imagination of mankind; but there has never been in this country the hunger for the soil which has occasionally maddened foreign peoples; and there has been a general devolution from the feudal times which has made the mass of the people the friend and protector of settled estates. It is for better historians than I am to inform you how it came about that the land of England became the property of comparatively few owners, while on the other side of the water France has been divided into an immense number of peasant ownerships, not, as is commonly believed, by the violent confiscation of the Great Revolution, but for centuries before. The Revolution relieved the small owner from the imposts and forced

labour which he was bound to give to the 'seigneur,' but otherwise made little proprietary change. Nor has the occupation of small portions of land been with us remarkably successful where it does exist, as, for instance, with the statesmen of our north-western counties, either in the improvement of the soil or the social elevation of its possessors. Agricultural work for certain wages, and tenancies-at-will modified by the customs of different districts, or by contracts in the form of leases, have hitherto well satisfied the wants and views of our population. But speculations altogether of another nature have been started by a small, though energetic, class of politicians, and have received some consideration from what may be called higher and more competent thinkers. It is not easy to attach any definite idea to the word 'monopoly' in connection with the possession of land, which is so frequently in the mouths and writings of these reformers. There is no compulsory restriction or legal impediment to the possession of land by any number of persons, provided there is somebody to sell and somebody to buy; and the fewness of the owners depends entirely on social and financial, not on political causes. The historical and local concentration of a large amount of land in the hands of certain members of the governing class has come about, at least for any period of time which can be seriously regarded as influencing the question, without violence to any other man's rights and without injury to the feelings of any portion of the community. It is an investment of capital, like another, made necessarily by wealthy men, the returns being comparatively small and uncertain. Whatever limitations or peculiar conditions are attached to its possession, are purely voluntary, and affect, no doubt, considerably, certain other persons who stand in family relations to the possessor, but no one else. Even these may and will be done away with, as soon as the parties interested are sufficiently eager for the change to form a distinctive public opinion on the matter. Year after year Mr. Locke King has brought forward his Bill for the assimilation of landed and personal property in cases of intestacy, a measure not only unobjectionable in itself, but eminently useful as the abrogation of the only statute which, though depending itself on voluntary action, somewhat favours the vulgar notion of a compulsory law of primogeniture; and it has not passed into law simply because enough persons have not died intestate to impress the public mind with any sense of injustice. The power—a totally different thing from the obligation—of settling land on a person yet unborn, and which, even in the case of a son, has no

earlier origin than the forensic subtleties of the sixteenth century—for the law of England abhors perpetuities—will probably be soon made subject to further limitations, quite as much in the personal interests of the private owner as for any projected national advantage. There is, however, no greater fallacy than to believe that improvements of the land are materially checked by our present system of settlement. The capital invested in them is attracted there quite as much by solicitude for descendants as by the hope of present gain. The material advantage is, in short, very distant and problematical, and if the possessor thought of nothing but his own profit, his interest would often lie rather in exhausting the soil than in developing, at a present sacrifice, its future powers of production. This view is well stated in Lord Salisbury's able Report of the Committee on the Improvement of Land in cases of settled estates. The recommendations of that Committee will probably result in a Bill for the extension of the power of Trustees to spend trust-money upon the improvement of land on redeemable mortgage, and enable limited owners to levy a charge for improvements, redeemable within a certain period exceeding the average expectation of life, or, if in concert with the remainder-men, to substitute his or their expectations for his own.

In concluding these desultory remarks, which I have preferred to any special dissertation, in the conviction that each separate subject will be far better in the hands of the distinguished Presidents of the separate sections than it would be in mine, I may observe that out of so large a body as the Social Science Association we cannot expect a year to pass without the loss of familiar faces and respected names. The address of Sir John Bowring on 'Economy and Trade' at our Plymouth meeting was, I believe, his last appearance in public. Pupil of Jeremy Bentham, he did much not only to familiarise the British public with the important truths his master had enunciated in such ungainly form, but he contributed both in and out of Parliament to give them that practical application which has affected both the letter and the spirit of our legislation. He was a man of extensive culture, with a special ability for the study and appreciation of language, and with a pleasant faculty of verse—not, perhaps, attaining the higher range of poetry, but evincing a fine sense of harmony and expression. But his special characteristic was an eager philanthropy and desire to promote in every form the material and mental prosperity of mankind. It must, therefore, have been to him a cause of peculiar pain to have found himself regarded by those with whom he had

long acted in the political sphere as having used the power entrusted to him in an important and distant settlement with unnecessary harshness and indiscreet violence. On the reasons for that imputation and its Parliamentary consequences this is not the place to enter, but I know that the event left upon less partial and more moderate politicians an impression that justice had not been done to the well-known benevolence of his disposition, nor to those antecedents by which his conduct in a critical moment ought to have been interpreted and judged.

It seems almost disrespectful to speak now and here of Mr. John Mill in the summary manner the occasion requires. By the side of the sovereigns and legislators who govern the apparent destinies and mould the external constitutions of States, it is interesting to place the names of those to whom it is given to mark the epochs in the intellectual life and moral history of nations. Such men must not only be copious writers, but by style and method must rivet the attention and win the convictions of masses of mankind. Such was the influence of Samuel Coleridge on the generation of my youth, colouring with his metaphysical imagination not only the philosophy, but the theology, and even the politics of his time. Such in my mature age has been the power of Thomas Carlyle, stamping his moral earnestness and rigid convictions of good and evil on our views of history, on our estimates of greatness in men, on our measure of the worth of thoughts and things, on our sense of the functions of language and the duties of expression. Such in these latter days has been the place of John Stuart Mill, in relation to the logical faculty, to the higher reason, and to the bold, critical, application of principles, however distasteful to prejudice, to fashion, even to the uneducated conscience. The questions submitted to the consideration of this Society were in great part those he desired to see proved and tested, and though unwilling to attend its meetings and conferences, he expressed through its officers his continual interest in its work and his ardent sympathy with its success. Of this he could hardly have given a more signal proof than his expression of the political value he attached to the services of our distinguished colleague, Mr. Edwin Chadwick, which he in the most public manner estimated as not only equal but superior to his own.

It is agreeable to speak of such men to an audience the majority of which belongs to the town of Norwich. I know no provincial city adorned with so many names illustrious in literature, the professions, and public life. Those of Taylor, Martineau, Austen, Alderson, Crome, and Opie, come first to my

recollection, and there are many more behind. And there is this additional peculiarity of distinction, that these are, for the most part, not the designation of individuals, but of families numbering each men and women conspicuous in various walks of life. For one of them I will ask you to permit me to pass from the expression of public esteem to that of private friendship, for one who, from a sick bed of twenty years, still looks out at the world of action with a mind interested in all that affects the well-being of humanity—Harriet Martineau.

Address

BY

GEORGE WOODYATT HASTINGS, LL.M.,

PRESIDENT OF THE COUNCIL OF THE ASSOCIATION.

IT would ill become me if I did not preface any observations of mine on this occasion with an expression of sincere regret for the loss which we have sustained since our last Congress in the resignation of Mr. Pears. He filled the office of Secretary during four years with signal ability and with no stinted zeal; and the resolution of the Council, passed unanimously soon after he left England, and which I subjoin,* did no more than justice to the services he rendered to the Association.

It had been my intention, at our Congress at Plymouth last year, to describe to you the proceedings and results of the International Prison Congress which had been held in London in the July preceding. I had hoped to have then dealt with the subject of prison treatment at considerable length, especially with regard to the existing state of prison discipline in this country, and to the steps which may be required for its amendment. I was prevented from fulfilling that purpose by having had the honour conferred upon me of presiding over your Education Department, and being consequently compelled to confine myself to an address on the subject dealt with by that section. I now, in the capacity of President of your Council, resume the intention which I was compelled to postpone last year, and shall ask your attention to the subject of prison discipline.

The International Congress on the Prevention and Repression of Crime was one of unquestionable importance. It

---

* At a meeting of the Council of the Association on April 25, 1873—G. W. Hastings, Esq., in the chair, it was resolved, on the motion of the Chairman, seconded by Sir Eardley Wilmot, Bart., "That this Council has received with much regret the resignation of Edwin Pears, Esq., Barrister-at-Law, who has for more than four years filled the office of General Secretary with signal ability and success, and to the great advantage of the Association, and hereby expresses its sense of the services of Mr. Pears, and its best wishes for his future success in life."

differed in some respects from any conference which has preceded it. It was a gathering of experts from nearly every civilised nation on one special set of questions. Twenty-two States were officially represented, including every European nation except Portugal, together with the United States, Mexico, Brazil, and Chili. Victoria and other British colonies were either represented or supplied information. The official delegates were in almost every case prison officials of high standing and of authority on criminal questions in their respective countries. In the fulfilment of important duties as Chairman of the International Executive Committee which managed the business of the Congress, I had an opportunity of observing the rare zeal and knowledge evinced by those who came to represent the nations of the world here, and I can bear equal testimony to the desire of the English representatives, who were sent from various benches of quarter sessions and visiting justices, to further in every way in their power the success of the Congress. But it happened, and perhaps necessarily, that those questions in which the English representatives were more peculiarly interested somewhat went to the wall during the debates. We were desirous of showing all the courtesy in our power to our foreign visitors, and we therefore did not obtrude upon them several matters which we ourselves wished to have seen thoroughly discussed. Thus, while the different convict systems of the world were narrowly scrutinised, and a vast amount of information was brought out concerning them, it happened that the branch of prison discipline in which we are quite as much interested as in our convict system, namely, the management of our county and borough gaols, was in a great measure omitted. It was to supply this defect that during the last spring a conference of visiting justices in Great Britain was held, by the permission of the Earl of Dudley, at Dudley House. On that occasion two questions which have recently excited considerable attention, and concerning which I believe that some misapprehension existed in the International Prison Congress, were debated by visiting justices, governors of prisons, and others well versed in the subject, with valuable results. When, as Chairman of that meeting, I summed up the discussion, I could not but express my surprise and gratification at the almost unanimous view entertained by those present, though coming from various parts of the country, and representing prisons conducted on very different systems. The two subjects to which I allude were those of corporal punishment in prisons, and of the industrial employment of prisoners; and I shall have something more to say on each of those questions presently.

With regard to our convict system, it is not my intention to detain you at any length. It has been again and again discussed at the meetings of this Association, and I believe that we may, without assumption, claim some credit for the improvements which have been introduced into it during the last ten or fifteen years. It is now established on a firm and reasonable basis, founded on principle and administered by the light of experience. The main ideas which Sir Walter Crofton first developed in Ireland have been adopted throughout the United Kingdom, the system being that the prisoner should, in the first instance, be subjected for a period of nine months to strictly solitary confinement, on a low diet, and with severe restrictions; but that this period should be capable of being somewhat shortened by submission and good conduct. The second stage is one of association—that is, the prisoner is permitted during his hours of work to perform his task in company with his fellow-prisoners, under strict supervision, and with the liability, in case of misconduct, to revert to his solitary cell. In this stage he has better food and more liberty. While passing through it he can rise by good conduct and industry, tested by a system of marks, through progressive classes, until he attains a condition of modified liberty precedent to release. That period of release depends in a considerable degree on his own exertions, his sentence being shortened in proportion to the number of marks he has earned; and thus a convict has continually before him that which in convict life, as in all other life, must be the mainspring of improvement—a consciousness, namely, that he does not do well in vain, and that he has hope for the future. In the last stage he is released on a license, subject, of course, to revocation if he misconducts himself; and during this period he is now subjected to a strict supervision by the police, and is compelled to report himself monthly. The only link in the Irish convict system which is now wanting in this part of the kingdom is the intermediate prison, or as it really is, the farm reformatory at Lusk. I for one should be glad to see this invaluable feature of the Irish administration introduced here, but I am bound to say that, as our convict system stands, it is in my opinion, after considerable inquiry, and speaking as an impartial witness, superior to that of any other country in the world. A great deal was said at the International Prison Congress, chiefly by foreign visitors, in favour of the system of strict seclusion which is in force in Belgium. At the famous prison of Louvain, which is equally interesting in its past history and remarkable for the excellence of its present management, every prisoner is kept in a separate

cell for the whole term, during however many years it may extend, of his imprisonment. He never sees a fellow-prisoner; he has no converse with anyone except with the officials who visit him. It is contended that he is thus kept from contaminating influences, and is more likely to leave prison at the termination of his sentence a reformed character. However this may be, I feel sure that he must leave the prison in a mental condition far less equal to the temptations which will immediately beset him in daily life than if he had associated with his fellow-men, and had been gradually trained to self-restraint. I said at the Congress, and I see no reason now to alter my opinion, that to keep a prisoner in solitary confinement for a long period, and then to turn him out suddenly on the world, is just like holding your hand on a spring in the hope that it will remain permanently in its position. But what happens? The moment you remove your hand up flies the spring; and so does the man whom you have kept in his solitary cell segregated from nearly all human temptations, succumb, almost inevitably, to the overwhelming chances of unaccustomed intercourse. He goes forth to the world enervated and helpless, his mind dazed with sudden liberty, and scarcely capable of withstanding the novel allurements of vice; whereas by passing him through a series of probationary stages you test his self-control at every step, and you gradually educate him, if he be capable of improvement at all, to a mental and moral condition which will fit him for taking once more an independent course in life. I utterly disbelieve the tales which have been circulated respecting the contamination of the prisoners in the labour classes of our convict system. Men may corrupt each other in idleness, but they can seldom do so when all their thoughts and energies are absorbed in hard work, and the constant supervision maintained is a tolerable guarantee that the marks earned by good-conduct prisoners are a real test of labour. It is a satisfaction to me to know that in the United States of America, where for a long time the separate system was completely in vogue, the minds of all prison reformers are now turned toward the convict system of this country, and I believe that in no long time the cell system throughout America will be superseded at a certain stage by associated labour.

Having said this much on our convict system, I turn to the question of our county and borough prisons. It is quite true, as I see is observed in the American Report of the International Prison Congress, that these gaols occupy a peculiar position. They do not, as in most other countries, form a part

of the prison system administered by the central authority. They are controlled, indeed, by the Prisons Act, and are subject to the supervision of the Home Office, but otherwise they are governed each by its own body of visiting justices, and often upon systems that differ widely both in principle and detail. The American Commissioner seems to think that this is a great error, and that the whole prison system of a country ought to be a unit under the direction of one central authority. I wholly differ from this conclusion. I believe that one reason why the question of prison discipline has been dealt with in England in a wider and more philosophical spirit than elsewhere is, that it has been considered from various points of view, and has been subjected to diversity of treatment. I am not aware that it would be possible to frame any single set of rules which would work well in all prisons. I believe that, looking to the variety of local circumstances, it is well that such places should in some respects be differently conducted, and I am sure that valuable results follow from the action of various minds in the administration of prison discipline. My objection to the Prisons Act is not that it has left a wide discretion in the hands of the visiting justices, but, on the contrary, that it has in many respects adopted a too Procrustean system; and I should be glad if by some amending measure a greater power could be left in the hands of us visiting justices to try the experiments which we may think necessary. But I am quite free to admit that in some respects this individual liberty has been carried too far, and I hope that, either through inquiry by a Royal Commission or through such conferences as we held last spring, a system of greater practical uniformity may be adopted in county and borough gaols. Their general condition, however, is beyond reproach. I had occasion, when presiding the other day over the Public Health Section of the British Medical Association, to remark on the excellent sanitary condition of our prison population. It is greatly to the credit of visiting justices that when, as was the case at Worcester during the last winter, fatal epidemics are prevailing in the population around, the inhabitants of prisons remain untouched; or if the disease be accidentally introduced, it is at once stamped out by the care of the prison officials, and by the sanitary arrangements that are universally enforced.

Nor is there the smallest real ground for the idea which seemed to be entertained by foreigners at the International Prison Congress, that the discipline of our county and borough gaols is degrading in its character. When it had been ascertained that we retain, and retain upon principle, the power of

inflicting corporal punishment, it seemed to be believed that this kind of punishment was frequently and arbitrarily inflicted. It did not appear to be understood that not a single lash can ever be inflicted in an English gaol unless by sentence of the visiting justices, which is only passed after a judicial inquiry in the presence of the prisoner, and even then only under the sanction of medical authority. As a matter of fact, the punishment is very rarely inflicted—never, in my belief, until all other means have failed, and when it has become absolutely necessary for maintaining the discipline of the gaol. I stated at the Congress, and I am happy to be able to repeat here, that during the time I have been one of the visiting justices of Worcestershire not a single lash has been inflicted on an adult prisoner. For several years previous to my own appointment there had been the same absence of this punishment, and I am not aware that our gaol constitutes any remarkable exception to county and borough prisons generally. Now, when I find, from an official memorandum respecting the prisons in Saxony, written by Mr. d'Alinge, who was the official delegate from that country to the Congress, that corporal punishment up to thirty strokes can be inflicted in the prisons of Saxony on the sole authority of the prison officials, I am at a loss to understand on what ground that gentleman protested in the newspapers against what he termed the barbarism of our punishments. The only difference seems to be that in Saxony prisoners can be flogged on the mere fiat of the prison officials, and that in England they can never be flogged unless by order of magistrates after judicial inquiry. I believe that in Saxony the punishment is extremely rare, but perhaps not much more rare than in English prisons; and I venture to think that, so far as the law is concerned, the advantage is on our side. Do not let us be led away by a superficial sentiment upon this question. It is true that the lash is degrading and severe, but it is scarcely more degrading and much less severe than several of the punishments which are in force in the prisons of other countries—countries which glory in saying that they have abolished flogging in their gaols. For myself, repugnant as any such measures would be to me, I would rather order a refractory prisoner to be flogged than order him to endure the torture of the penal shower-bath, of the compressive iron cap, or of a very prolonged confinement in a dungeon cell. The conference of visiting justices last spring was nearly unanimous in the conclusion that the power of flogging ought to be retained, but that it should be as rarely as possible employed, and I believe that it is just those visiting justices who are the most humane as well as the most experienced who are resolutely opposed to its total abolition.

The other subject to which we then devoted our attention was that of industrial labour in prisons. An instructive paper was read to us by Captain Armitage, the Governor of Wakefield Gaol. In that prison industrial labour has perhaps been carried to a greater extent than in any other, and there has been added an industrial home for discharged prisoners, where they can earn their own living until they obtain more permanent employment—an institution which I should be glad to see attached to every prison of any size in the country. A general feeling was entertained by the Conference in favour of making the proportion of industrial to penal labour greater than it is at present. I think that the Prisons Act erred in laying down a rigid rule by which all prisoners are compulsorily placed in the ranks of penal labour for the first three months of their sentence. I am glad to say that we contemplate the experiment in our prison at Worcester of substituting hard labour at industrial looms for that of the treadmill, and the inspector has expressed his readiness to certify these looms as hard labour of the first class. But at the same time I feel bound to state that I for one regard such a change only as an experiment which must be carefully watched, and from which we must be prepared to recede, if the results show that we have fallen into error. There is some exaggeration in the arguments that are constantly used upon this subject. It is perfectly true that industrial labour is cheaper than penal labour; it is also true that it fits a man better for employment on his release; and those who think that the sole objects of prison management are cheapness of cost and reformation of the individual prisoner naturally disregard all other considerations. I cannot consent to do this. I think, in the first place, that there is a class of prisoners—such, for instance, as habitual vagrants—who are best treated by penal labour which they cannot shirk, and which shall be of the most disagreeable nature that can be undergone. I think, in the next place, that the short period of the great majority of the sentences at our county and borough prisons will render it difficult to make industrial labour remunerative to any considerable degree. And, in the third place, I hold with my friend Mr. Barwick Baker that the first object of a prison is neither to be cheap in its management, nor to be reformatory in its influence, desirable as both these things are. Its first main object, and the one to be always borne in view, is that it shall be empty. If by hard and disagreeable labour on his first sentence you can deter a prisoner from relapsing into crime, you have effected the best thing possible both for him and the public. Nor can I consent

to allow the statistics of re-commitments to different prisons, which are so often quoted upon this question, to weigh very heavily. The number of re-commitments to a prison depends in some degree no doubt on the nature of the discipline enforced within its walls, but it also depends, perhaps in a still larger degree, on the kind of prisoners committed to the gaol. Paradoxical as it may sound, it is nevertheless true that it is often the best-conducted gaol which will show the largest number of re-commitments, and for this reason: the gaol which by its discipline, whether deterrent or reformatory, has been cleared of a large number of casual offenders, will have for its inmates only hardened and habitual criminals whom no influence, whether reformatory or deterrent, will ever bring to any good, and who will be constantly returning to gaol. It is the omission to see this truth, so simple when stated, which has vitiated a large proportion of criminal statistics. You will perceive that I am not a fanatical partisan of industrial labour, but I am nevertheless strongly of opinion that the Prisons Act went too far in the penal direction; that the system which it has stereotyped has crippled the hands of visiting justices to a lamentable degree, and that it would be desirable to try the experiment of industrial labour, with all its capacity for inducing a spirit of hope and encouragement, among at least the longer-sentenced criminals. Let me say a word in passing as to the objections that have been raised by some prominent members of the weekly wage class to the industrial employment of prisoners. They allege that by this means an unfair competition is established with honest labour outside the gaol. I will not, as I said to you some years ago, stop to inquire how far a population of 20,000 persons, which is the maximum amount of the daily average in our county and borough prisons throughout England and Wales, can affect the labour market of a nation of more than 20,000,000. But, in regard to a particular industry which has been made the subject of peculiar attack, I wish to bring before you the real facts of the case. It has been alleged that the trade of mat-making has been established and carried on in our prisons so as to interfere unfairly with private enterprise. Now, the truth is that this trade of mat-making from cocoanut fibre was unknown in this country previous to the year 1840. In that year it was introduced into Wakefield Prison, and has since been adopted in many others. Some years after its introduction private manufacturers, seeing the success of the trade, resolved to adopt it as their own; so that so far from prison labour having entered into competition with general labour in this branch of industry,

it is the precise reverse. It was not prison labour which interfered with private enterprise, but private enterprise which voluntarily entered into competition with prison labour. If the trade were now abandoned by the prison authorities in compliance with a popular cry, and if some other trade were invented, as this has been, I suppose that in a few years the same objections would be raised to that; so that we may take it that the demand is not only that prisons should be precluded from carrying on trades which are established and known, but shall be forbidden also from inventing trades of their own which are capable of being exercised outside. I cannot believe that either the Government or the Legislature will yield to so preposterous a demand. The interests of those who have to pay the expenses of our prisons are clearly in favour of a reduction of the prison rate; and humanity, economy, and that common sense which is at the bottom of the sound management of prisons, as of every other institution, must require that if a prison can with due regard to its primary and all-important object be made tolerably self-supporting, it ought to be so.

So far, I have been taking the favourable side of our county and borough prison system; but I now approach a point on which I am bound to feel that a great reform is required. There exist in this island a large number of prisons which not only are inefficient, but which are absolutely incapable of any real improvement. I allude to the prisons which are so restricted in size, and in which the daily average number of prisoners is so small, that it is useless to hope that any effective discipline can be exercised, or any real economy practised. Those of you who are unacquainted with the subject will hardly believe the facts which I can state to you on this head. There are in England 11 gaols with a daily average of less than 12 prisoners, and there are many more with an average of less than 50, although I believe that it would be impossible that either efficiency or economy can be maintained in a prison of less than the latter number. But in Scotland things are still worse. In that part of the kingdom there are no fewer than 42 gaols with less than 12 prisoners, and 16 gaols with an average of only one prisoner. In one case the absurdity is carried so far that the average daily number is returned as ·4, yet this decimal of a prisoner had a governor and a matron to provide for it, a surgeon to look after its health, and a chaplain, I suppose, to attend to its spiritual needs. It had a crank to turn, its diet was certified, and we are assured that it was under constant supervision. It cost "per head" about 120*l.* per annum, and the expense of these small prisons varies from

that amount down to about 45*l.* per head, while at Wakefield it is some 16*l.*, and in our tolerably-sized prisons ranges from 20*l.* to 30*l.* a prisoner. It is difficult to understand how such abuses can be tolerated after all the inquiries that have been made, and all the sound principles that have been enunciated with regard to prison discipline. I trust that this Association will consent to call the attention of the Home Office to the facts which I have thus very briefly stated, and I feel assured that if they are once fairly before the public mind no local interests could prevent the House of Commons from sweeping away wretched institutions which are a scandal to the administration of criminal justice.

When I was last year on the continent of America, I visited some prisons in Canada and in the United States, and I was painfully struck by the want of good order which is observant generally among them. Having heard much of the prisons of the United States, I was astonished to find how inferior they are to those of this country. In the prison at Quebec, of which I will do it the justice to say that it is scrupulously clean, as far as I could learn fairly healthy, and that an admirable effort has been made to train the prisoners to agricultural labour outside the walls on a system not very different from that of Lusk, in Ireland, I also found a state of things as to the internal arrangements which shocked me. I found all the male inmates of the prison, whether convicted or unconvicted, whether prisoners or paupers—for the place is used as a workhouse as well as a gaol—herding together in one long low corridor, flagged with stone, into which their sleeping cells open. Those sleeping cells have no communication whatever with the open air, and are supplied with light and air only from the corridor. The murderer under sentence of death, if such there be, the hardened criminal, the young offender, the innocent suspected, and, by a strange law to which I am about to refer, the witness on an approaching trial, live together in this corridor, unrestrained, and under all the gross and contaminating influences of close association. In the female ward the arrangements are almost precisely similar, except that the inmates have an airy and comfortable day-room where they can all sit together. When in that room I saw, sitting in the recess of a window, a young woman, most respectably dressed and of modest appearance, engaged in needlework; and on inquiry I found that she was an inhabitant of England, that she had come to Canada for the purpose of seeing her brother, who is a settler in the country, and that on her return to Quebec to embark on her home voyage, she was

accidentally, and without any fault or concern of her own, the witness of a murder. Under the Canadian law, she was thereupon lodged in prison until the time of the trial, in order to secure her attendance as a witness, and in order, as it was explained to me, to prevent the possibility of her being tampered with by the friends of the prisoner. This law for the imprisonment of witnesses originated, I believe, in the United States, where it is universally in force. It is a strange instance of the small regard which democracy has for individual freedom. There has been no constitutional right more firmly maintained by Englishmen under their ancient monarchy than that of the freedom of the person. It is a doctrine which Englishmen have for untold generations drunk in with their mothers' milk, that no man can be imprisoned except by judgment of his peers, or when committed in due course of law on suspicion of crime. The Americans have improved upon this doctrine by providing that any man or any woman, however innocent and however respectable, who is required as a witness, can be put into prison, and be made to incur the degradation of association with felons in order to secure his or her attendance at an assize court. The reports of the New York Prison Association, which contain accounts of the various gaols in the United States, will show that the prisons of that country swarm with persons who, as witnesses, are incarcerated in company with habitual criminals. Now, I make no objection to any legislation passed by the Parliament of the Dominion. That is the business of the Canadians, and not ours. But I confess that I do strongly object to such an infringement on the constitutional rights of her Majesty's subjects ordinarily resident in this country as results from the operation of such a law. When, some years since, the famous case of the extradition of a slave occurred in the courts of Canada, our Court of Queen's Bench granted a writ of *habeas corpus* to bring up the body of the slave to Westminster, on the ground that the ancient writs for the protection of freedom of the person ran throughout the whole of her Majesty's empire. An Act was thereupon passed with almost indecent haste to abrogate this power of our superior courts, and consequently an English traveller who may be accidentally present at the commission of a serious crime in the Dominion is liable to summary imprisonment until the time when the offender is tried, in defiance of the constitutional safeguards which he inherited at his birth as an Englishman, and which we used to believe he carried with him all the world over. I should be glad if the attention of the Colonial Office could be called to this subject; not that there is any wish on

our part, as I have already said, to interfere with the independent legislative action of our Canadian fellow-subjects, but because it seems to me that the relations between this country and her Majesty's dependencies ought to be reciprocal, and that if we respect their rights they ought to be prepared to respect ours.

The question of the decrease of crime has occupied some public attention of late, and I am desirous of saying a few words on the point. The statement of Lord Aberdare, when Home Secretary, that there had been a gratifying diminution of crime, has been called in question, but I confess that I am unable to understand the grounds on which his critics base their observations. If, indeed, it be meant that, notwithstanding the general diminution of crime, there have been many terrible and startling offences committed, the remark is quite true; but that is not the point to which either Lord Aberdare or any other person who has studied criminal statistics would direct his observations. The question is, whether crime in the bulk has diminished or increased of late years, and I apprehend that no one who is conversant with the administration of criminal justice can have any doubt as to the answer. When I first joined the bar of the quarter sessions at Worcester the calendar of prisoners was considered to be light if the number contained in it was as few as eighty. At the present moment the calendar of our quarter sessions is thought to be heavy if its numbers extend to forty, and yet the period of which I speak covers less than a quarter of a century. It is true that during that period the Criminal Justice Act has been passed, and that a large number of offences which were formerly tried at quarter sessions are now disposed of, with more or less benefit to the community, at petty sessions. But it will be found on inquiry that the business of petty sessions has decreased, in at least as large a proportion as that of quarter sessions, during the last seven or ten years. The population of our county and borough prisons has been for several years steadily on the decrease; and I know not, with such facts staring us in the face, on what ground it can be argued that crime, taking it generally, has not diminished. It is said, indeed, that the diminution is more apparent than real, that the police detect fewer crimes than they did formerly, an assertion of which not the smallest proof is on record. I believe, on the contrary, that the police in the different counties of England were never more efficient than they are at the present moment, and that the increase in the number of offences reported but not prosecuted to conviction is owing to precisely

opposite causes from that which is supposed. It is in reality that the police are more vigilant and more trusted, that nearly every case is now reported to them and to a certain extent investigated by them, and that the actual number of offenders taken into custody is quite as large in proportion to the offences committed as it ever was. The truth is that those crimes of passion which fix themselves on the minds of the public, and which, when repeated in close proximity to each other, awake a startling sense of insecurity, and consequently lead to a belief in the increase of crime, form but a very small proportion of the total amount of crime committed. The bulk of our criminals are thieves, and thieves upon a petty scale. The number of their offences is not weighed by the community at large, because they are of no interest, and consequently attract no attention. But these are the crimes which fill our gaols and occupy our predatory classes. It is in them that the diminution has taken place, and consequently that diminution is real, and will probably be lasting in its nature. If asked to what it is due, I reply that an improved convict system, an improved system of discipline in county gaols, and greater efficiency in the police force have had much to do with it; but that still more is owing to the Prevention of Crime Act passed a few years since, and subsequently modified and improved, by which a number of habitual offenders have been placed under police supervision, and have been consequently precluded from training others to crime, and thus breeding up their successors in dishonesty. Reformatory and industrial schools, which have cut off the supply of young offenders, have also had no inconsiderable part in this beneficial work; and I cannot doubt that, looking to the nature and habits of those who commit the great bulk of our predatory crimes, the spread of education which is now taking place in this country, and the wonderful improvement in the physical and pecuniary condition of the weekly wage class, will tend in future years to a still larger decrease of criminality. That crime will altogether cease is of course a chimera. We shall always have, partly from natural conformation, partly from defective education and misused opportunities, a race of habitual criminals; but even with these much may be done by wise treatment when under sentence, and by rigid supervision when they are placed at liberty. With them, as with all other men, it is necessary for us to remember that they have souls in their bodies and brains in their skulls, that they are accessible to all the influences of hope and of reason, and that the most certain way of rendering them utterly irreclaimable is to deal with them as if they

were the beasts that perish. It is because our convict adm tration is now founded on the system of progressive cla cation and of gradual release—in other words, on the n principles of hope and self-control—that I believe it to be in the present, and pregnant with benefit in the future. stands before the world an example of what may be done the criminal class. It has effected—what the stupid fer of the gallows system failed to effect—a solid diminutio crime, or, to use a convertible term, a substantial decrea the burdens upon honest industry. It behoves us now to that our local prisons are made as exemplary, and we c on the sympathy and support of this Association in the that is still left to do.

Address

ON

JURISPRUDENCE, AND AMENDMENT OF THE LAW.

BY

JOSEPH BROWN, Q.C.

IN appearing before you to-day, I must express my regret that we were unable to obtain the valuable aid of a learned and eminent Judge, whose engagements prevented him from presiding over this department. I confess that a survey of the series of distinguished men who have filled this chair in former years is calculated to inspire one with humility and distrust. I am not sure that a long experience in the practice of the law is by any means a qualification for the office. Too often long custom blinds a man to those defects and blemishes in his professional system which are at once obvious and offensive to the eye of a stranger. The poet's description of the effects of a long familiarity with vice is frequently applicable to an old lawyer's familiarity with the vicious features of legal procedure. He begins by disliking them, but ends by embracing them. I may say however, by way of apology for presuming to accept this chair, that I have always taken a lively interest in the great movement of Law Reform originated by Lord Brougham forty-five years ago, and carried on ever since by so many eminent men, and that I have ventured on more than one occasion to bring before the public what appeared to me to be gross defects or absurdities in our system. It is a hopeful sign of the times that every year we find an increasing number of practising lawyers, in all branches of the profession, both aware and ashamed of the defects that still deform our jurisprudence, and desirous to amend them for the public good, and for the honour and credit of the class to which they belong. One of the greatest of these has been lost to us since our last meeting at Devonport—I mean the late Lord Westbury, who,

whatever faults he may have had, was at all times, whether in or out of office, an enlightened, energetic, and courageous law reformer. I shall not here speak of his transcendent abilities, which are best known to those who have had to wrestle with him in the Courts, but of the vigour and determination with which he pushed on the cause of Law Reform. To him in a great measure is due the exposure of the inefficiency of the Appellate tribunal in the House of Lords, which led to its late abolition, and if he could have had his will, he would have effected a digest of the law. He was, when Attorney-General, a main agent in the establishment of the Probate Court and the Divorce Court, which were a vast improvement on the old system. He commenced and personally superintended, while he was Attorney-General and Lord Chancellor, the work of revising the statute law, by repealing the old, useless, or obsolete statutes, and condensing those which remain into a reasonable compass—a work which is now fast advancing towards completion. In the spring of this year he had undertaken to preside over the meeting of this Society for discussing the question of making a general Digest of the Law, in which he took a deep interest, but was prevented by his last illness. If the bent of his disposition and the sense of his superiority led him at times to be supercilious, and to speak lightly of dignities, perhaps he was on that account the better reformer, not being restrained by too great a respect for such names as Coke and Hale from speaking his mind on the absurdities of our ancient system. A few more reformers such as Lord Westbury would leave but little work to be done by a Law Amendment Society.

Fortunately for the objects which we have in view, Lord Westbury has been succeeded by two distinguished promoters of Law Reform, I mean Lord Selborne and the Attorney-General, Sir John Duke Coleridge, who presided over our meeting at the last Congress. To them we look forward with confidence to carry on and perfect those measures for the amendment of the law which yet remain to be effected, and they are not a few nor inconsiderable.

Although the progress of Law Reform in our time may by some be considered as slow, compared with the rapid advance which we have witnessed in the arts of life, yet to those who are acquainted with what has been done in the last forty years, and with the ancient habits, the inveterate prejudices, and hostile interests which had to be overcome, or conciliated or purchased, it will rather appear wonderful that so much has been effected.

Nearly every Court in the kingdom has now been remodelled, from the County Court up to the Supreme Court of Appeal—new systems of pleading and procedure have been established—the old exclusive rules of testimony have been swept away in civil causes—imprisonment for debt has been all but abolished—various new remedies have been conferred upon creditors—the Bankrupt and Insolvent Laws have been wholly repealed and remodelled—great amendments have been made in the Mercantile Law—a considerable part of the Land Laws has been recast to suit the exigencies of our own times—and nearly the whole of the Criminal Statute Law has been consolidated, while the punishments for a large class of offences have been rendered much less severe and more certain. Such a mass of great and vital measures exceeds in importance all that was done to amend the law from the time of Charles II. to the reign of William IV. If the great prime mover of Law Reform, Lord Brougham, could witness the advances which have been made, he might think we had done well, but by no means that we had got to the end of our labours, or brought the law up to the standard which has been attained by the arts and sciences in our time.

It is a needless thing to caution law reformers against moving too fast. The road of Law Reform is always uphill—it is a long and a hard pull against the collar—and there is a very heavy drag always on the wheels. The public mind still wants arousing and stimulating before we can hope to effect those important measures which remain to be carried through both Houses of Parliament, and before the efforts of this Society can be dispensed with. Lord Selborne, in introducing the Supreme Court Bill into Parliament, observed:—

'My Lords, of all our institutions, there are none which excite a greater, or more natural, or more profound interest than those which relate to the administration of justice. None tend more to bind together the whole fabric of society, and none are held in more general and just estimation and reverence by the people. And it may be for this reason that public opinion on these subjects is of somewhat slow growth, and they are relegated to a more serene region than that ordinarily devoted to polemical and political contests. All classes of men feel that they have a particular interest in these subjects being dealt with on sound and right principles, and therefore passion and excitement have but little place in the consideration of such matters. Indeed, there is almost a difficulty in the way of those persons who deal with them, arising from the fact that there is not, perhaps, enough popular influence usually excited to command at all times, amid the multiplicity of business which has to be discharged, and the greater excitement that attends much of it, the amount of momentum which is needful to carry

great measures through both Houses of Parliament. Time, therefore, is required—and on the whole I think it is good that time should be required—to bring opinion on these subjects to the maturity necessary for sound legislation.'

In these sentiments we may all concur, and I think as a test that we have not moved on too fast hitherto, we may look with satisfaction on the fact, that in no instance have we had to retrace our steps, to undo what we have done, except perhaps, in the abolition of the Court of Review in Bankruptcy, which is now forgotten by all but lawyers. All the great measures of Law Reform which have distinguished the present reign have now received the sanction of trial and experience, and have encouraged us to march onwards still while anything remains wanting to bring up the science of law to the full height of the age.

In reviewing what has been done since our last Congress, I may congratulate the Society and the public on the immense stride which has been made during the year towards a scientific system of legal procedure, by the passing of the Act for establishing a Supreme Court of Judicature. This measure, for which the public are mainly indebted to Lord Selborne, in truth marks a great era in our jurisprudence—an era of not less importance than that which saw the trial by jury take the place of the trial by battle or by ordeal. It amounts to a legal revolution; and when we observe men of all parties in both Houses of Parliament aiding to promote it, we perceive with profound satisfaction that the dread of legal innovation has passed away, *that* horror of change which animated the great lawyers of fifty years since—the Eldons, Ellenboroughs, and Tenterdens—the men who had seen the evil days of the great French Revolution. We see that even great judges have come to the conviction that the legal institutions, the Courts and the modes of procedure, which were well enough for the days of Lord Coke or Lord Hale, and were looked on by Blackstone as the perfection of reason, are not adapted to the wants of this age of railways and telegraphs, of universal commerce and rapid intelligence; and that they require remodelling in conformity to the necessities of our own times. The two grand obstacles which so long stood in the way of all Law Reform—the dread of revolution, and the superstitious worship of the ancient law as the perfection of reason—have thus ceased to bar our progress towards a system adapted to the immensely altered state of society and of commerce in which we live. The age which has bridged the ocean with steam-ships and girded the earth with electric wires, which has covered Europe

and America with newspapers, has at last come to believe in itself, and has dared to think it is able to invent for itself a better system of law and procedure than the black-letter lawyers of the middle ages, the men with ponderous folios and musty rolls of parchment and Norman-French jargon.

There is no doubt that, while the change from the old system to the new is taking place, we shall experience some of the inconveniences which always attend upon alterations in legal procedure. In this particular we shall be like a man pulling down his old house and building a better one on the same site; he will have to submit to a good deal of trouble and to many makeshifts until the new house is finished and furnished, and until he has got settled in it. But when he has once experienced the increased comfort and convenience of his new edifice, he thinks himself well repaid for the temporary inconveniencies of the change.

As the public at large have but vague ideas of the advantages promised by the fusion of law and equity, which is the leading object of the great measure of last Session, it may be well to offer a few illustrations of the evils which it will remove.

For the last three hundred years, Courts of Law and Equity have administered opposite rules of right and wrong on many important subjects; the one allowed and upheld what the other prohibited, and the one set of Courts were perpetually engaged in stopping the proceedings and multiplying the judgments of the other. The *illustrious lawyer of this city, Lord Coke*, the ancestor of the present Earl of Leicester, fought against this system as long as he could, but the Court of Chancery prevailed with the help of that English Solomon James I. Nothing but inveterate usage could have reconciled a highly civilized nation to such a system as this, and it is now brought to an end. Henceforth a man suing in one Court will not be liable to have all his costs and proceedings rendered fruitless by an injunction from another Court, nor will that be held just and lawful in the Queen's Bench which was held unjust and unlawful in Chancery.

Hitherto, if a man sued at law on a written instrument which had been erroneously drawn up by mistake, the defendant in general was not allowed to defend himself by proving the error in the Court of Law, but had to resort to a bill in Chancery for relief, thus incurring the expense and vexation of two suits instead of one. So, if a landlord sued his tenant for breaking the covenants in the lease, the tenant could not in

general defend himself in a Court of Law by showing that a fresh agreement had been made to vary the covenants, without resorting to a suit in equity. If a tenant had a claim for compensation against his landlord and also a claim to have a lease executed, he could only enforce them by means of two suits in different Courts. A vast variety of cases occurred in which a man had a just demand which was the subject of an action at law, and in aid of it required a discovery of documents in the defendant's possession, or of facts within his knowledge which could not be effectually got without another suit in equity. So in many other cases arising out of bills of exchange, charter parties, agreements, and other mercantile documents, it was necessary to have double proceedings at law and in equity in order to effect that complete justice which will now be obtained by one proceeding, in one Court, and at the price of one bill of costs.

One of the greatest changes introduced by the new Act will be the trial of disputed facts in equity proceedings, by oral testimony given in open Court, instead of trial upon affidavits drawn up by the attorneys and sworn in private. This alone is a great advance in the mode of discovering the truth. Anyone may form an idea of the misleading and delusive nature of trial by affidavits, who has noticed the difference between the evidence of the witnesses in the Tichborne case given in open Court and their affidavits made in the Chancery suit. They were perpetually made to say what they did not mean, to give a false colour to what was true, and to suppress circumstances of material importance to the other side. The great and startling inconsistency of two opposite systems of taking evidence in Courts of Law and Equity will now be removed, and the truth will no longer admit of being concealed by artfully-drawn affidavits, by which the witness was made to speak the language of the attorney or counsel instead of his own. Besides this great measure, establishing Supreme Courts to administer both law and equity, the past session has not produced any considerable advance in legal reform; for although a Bill for amending the law as to juries and another for the appointment of Public Prosecutors were introduced and carried through several stages, they failed to pass into law. Both these measures have been the subject of discussion in this Society during the past year, and the Society made various suggestions to those members who had the conduct of them in Parliament. It is hoped that they will become law in another session. The want of a Public Prosecutor—an officer well known in Scotland and France—has often been pointed out by

judges at assizes, who have seen how frequently criminals escape punishment, through the poverty, or neglect, or connivance of private prosecutors. It is shown by returns to Parliament, that of 50,000 or 60,000 indictable offences, annually reported by the police, not above one-half are brought before magistrates, and only about 13,000 are prosecuted to conviction. It thus appears that three-fourths of the offenders escape—a fact which must operate greatly to encourage crime. The law which imposes on a man who has been robbed the additional trouble, expense, and vexation of prosecuting him for the public benefit seems both hard and unreasonable. As was well observed by our President at a former Congress, Mr. George W. Hastings, 'It is a remnant of that state of barbarism in which every man had to defend himself by his own efforts from violence and robbery.' If society has failed to protect him from thieves, it seems reasonable to expect society to pursue and punish the offender; instead of which the present system often punishes the party injured. A ludicrous instance occurred some time since of a Russian who was in London on business being violently assaulted in the street. The offender being brought up before a magistrate, was let out on bail to appear and take his trial; but as the Russian stated that he must return to his own country, the magistrate required bail for him to appear and prosecute the offender. The unlucky Russian not having any friend here to bail him, remained in prison till the sessions came round, and was then brought up to prosecute; but meantime the offender had got away and escaped. This Russian would, no doubt, give his friends a singular account of English justice, which locked up the innocent and let the guilty man go free. A lady whom I know, had her purse snatched away in the street and pursued the offender, who threw the purse to a companion, but was himself stopped by a policeman. On the lady coming up, panting for breath, the blue-coated functionary, after hearing her story, advised her to let the thief go, as it would give her a great deal of trouble and expense to prosecute him. The lady of course followed this advice, and the rogue escaped. This anecdote shows the working of the present system.

If the want of a public prosecutor is often felt in dealing with those ordinary offences of violence and theft which form the chief part of the business at sessions and assizes, it is still more apparent in dealing with those giant frauds which are characteristic of this age of desperate speculation and unscrupulous pursuit of riches, and which call the most loudly for punishment, and call in vain.

I have unfortunately in my experience as counsel seen a great deal of the wholesale frauds and swindles perpetrated by speculators and gamblers in public companies, and often on a scale of such enormous magnitude that the frauds of Lord Coke's time, which drew from him the exclamation, 'Crescit in orbe dolus,' are mere babies in comparison with them. Not once only, but many times, I have seen hundreds of honest men plundered, and their families reduced from affluence to poverty and distress, by frauds on the part of promoters, directors, and gamblers in the shares of banks and public companies, which were no better than cunning robberies, by which the contrivers often enriched themselves and ruined their victims.

The petty rogueries committed by common thieves, pick-pockets and burglars are mere trifles in comparison with these gigantic swindles, by which hundreds of thousands of pounds are sometimes realised by knaves without conscience or scruple. Can anything be more pernicious in these times than the example of such men enriching themselves and living like princes, while their victims sink into poverty? Does any offence whatever cry out more loudly for prosecution? Is there any which so frequently escapes punishment? What private individuals can be expected to undertake the prosecution of such enormous offences at a cost of many thousand pounds? In the prosecution of the Directors of the British Bank, the trial occupied the whole of a Guildhall sitting, and the expenses were nearly 20,000*l.*, and it never would have been instituted at all had it been left to any private individuals. Nay more, I know that even the officials in the Home Office of the Government were greatly alarmed at the magnitude of the case, and very unwilling to take it up, and it was only the resolute determination of the late Lord Westbury, then Attorney-General, to carry it through as a matter of public duty, that overcame their reluctance. Nor would it then have succeeded had it not been carried on by the most able and energetic solicitor I ever knew, the late Mr. John Linklater.

Most of the great public frauds to which I have adverted, are of such a nature that enormous trouble and expense are required to expose and prove them by legal evidence, and no one but a public officer can be expected to embark in such a prosecution, which moreover draws down on the prosecutor the urgent solicitations or the enmity and revenge of numerous and often powerful friends to the accused parties. This is the kind of offence which seems to call more loudly than any other for a Public Prosecutor.

Could any private individual have been expected to conduct the late prosecutions for forgery by the Bank of England, which are said to have cost 20,000*l.*? I have long laboured under an uneasy consciousness that the law pursues and punishes the petty thieves with much more activity than the big ones, like a cowardly policeman who takes up the naughty boys, but is very shy of meddling with the great rascals. This seems the natural result of leaving prosecutions to private persons.

I trust I may be excused for urging these arguments in this place, for after all that has been said by great judges, and reported by the distinguished members of the Common Law in Commission in favour of having a Public Prosecutor, the public at large do not yet appear to be sufficiently awakened to the necessity of it.

The Juries Bill was a measure of such practical and admitted importance, that we may fairly calculate on seeing the greater part of it pass into law in another session. But the views of the Attorney-General, who introduced the Bill, were much in advance of those of the House of Commons, and are well deserving of being further discussed in this Society, and pressed on public attention. It is well known that Sir John Coleridge introduced two most important clauses in the Bill, the one reducing the number of a jury from twelve to seven, in all trials except for treason and murder, and the other, making the verdict of a certain defined majority decisive, in lieu of requiring a unanimous verdict as now. I cannot help regarding it as a public misfortune that these enlightened proposals met with so much opposition in the House of Commons as to compel the Attorney-General to give them up.

The practice of requiring twelve men to form a jury instead of five or seven is productive of many evils. It takes twice as many tradesmen or merchants away from their business, and often for several days together, as there is any occasion for. It not unfrequently prevents a trial, by twelve special jurors not attending, and this after all the expense of bringing together attorneys, counsel, and witnesses has been incurred. It increases the expense of a special jury very considerably, which bears heavily on the suitors. But in my mind the worst feature of all is, that such a number as twelve is too large for any full, calm, and clear consultation among themselves in cases of difficulty, which it tempts them to dispense with, by destroying each man's sense of any responsibility for the verdict. All these evils, which every lawyer knows are real and serious, would be greatly diminished by reducing the useless number

of twelve to seven, as the Attorney-General proposed, or to five as in the County Courts. I have spoken to several judges of the County Courts who have tried thousands of causes, and found them unanimous in the opinion that a jury of five worked better than a jury of twelve, and with much less trouble and expense.

Lord Coke suggested as a reason for having twelve jurymen that there were twelve tribes and twelve apostles. With equal reason we might argue for seven jurymen because there were seven sages of Greece or seven wonders of the world. Or we might contend for four because there were four evangelists and four elements. It is said, however, that the judges of the Superior Courts were in favour of retaining the present number. I should feel more oppressed by the opposition of those learned and eminent persons if I did not remember that only a few years ago *all the judges* opposed the admission of the parties in a cause as witnesses when it was proposed—a change which is now universally admitted to be beneficial—and that they were equally opposed to the first attempts to make a fusion of law and equity.

I can only suppose that those learned persons, in desiring to keep up the number of twelve in a jury, were influenced by a consideration of the benefits which the public are imagined to derive from the kind of judicial education that a juryman gets from being exercised in the trial of causes. It is hard to measure what value belongs to the fact of a man having acted as a juryman two or three times in ten or twenty years, but whatever it may be, it seems to me to be bought too dear at the price of the great inconvenience and expense of our present system, and its total absence of responsibility. The argument for educating the public by making them serve on juries would be good for having fifty jurymen instead of twelve, which would be intolerable. If a jury were but five, all the witnesses and spectators in court, who may be ten times as many as the jury, would get the benefit of the same judicial education as they do now.

The other point on which the Attorney-General had to give way—I mean as to taking the verdict of a majority—is of still greater importance. It is the simple truth to say that justice is often defeated at every assize by requiring a unanimous verdict. Any one or two obstinate, or prejudiced, or stupid fellows may compel the rest to surrender their convictions to the pangs of hunger. The number of assassins and other villains who have thus escaped in Ireland is so great as to hold out a prospect of impunity to agrarian murders. It is within

my knowledge that an atrocious murderer escaped conviction at the Maidstone Assizes some years ago because one of the jury was strongly opposed to the punishment of death. In truth, the mere fact that the constitution of a jury by ballot renders it impossible to be secure that you have not got a friend or relative of one of the parties on the jury, or a warm partisan or sympathiser, seems to be an invincible reason why one or two men should not be allowed to overrule the unanimous convictions of the rest. Again, can anyone give a reason why the verdict of a certain majority should be good on the North of the Tweed and not on the South also? Is not this a striking proof that custom and not reason is the cause of the difference?

If it were possible to secure a real unanimity of opinion in important cases, there would be some reason to continue our present system. But that such a concurrence is impossible from the varied constitution of men's minds, is proved to conviction by the practice of all deliberative assemblies to decide by the vote of the majority, without which business could not proceed. There is not a Court in the kingdom composed of several judges where the majority does not carry the decision, and if a peer is tried for his life by the House of Lords, a bare majority acquits or condemns him.

It may be confidently pronounced that in a really difficult case a unanimous verdict is not an honest verdict, but that some of the jurors have given up their opinions for the sake of coming to an end of the business. Take an instance:—At a late assizes a cause which had been tried before, lasted three days, and after the summing-up and a long consideration, the jury declared they were divided equally, and there was no chance of their agreeing. The Judge lectured them on the hardship of compelling the parties to try it again, and sent them back. It was at night, and past the dinner-hour. They presently returned, and gave a verdict for the plaintiff, with large damages. This is the kind of unanimous verdict you get under the present system. I do not scruple to say that it is a scandalous strain on the consciences of jurymen, and that such a system is answerable for dishonest verdicts without number. I should like to know what the judges would say to anyone who should propose to lock them up in a room till they agreed in a difficult case.

Why is a jury of gentlemen to be treated in this matter differently from every other deliberative body? Why is an English jury unworthy of the confidence reposed in a Scotch jury? What is the value of a verdict given, not by the

strongest heads, but by the toughest stomachs, among the twelve men? I confess I shall never believe that we have got over the superstitions of the old lawyers till we have amended our practice in this matter.

The Attorney-General was also defeated in an attempt to improve the composition of juries by requiring that all ordinary juries should have a mixture of special and common jurors. The object of course was to secure some men of superior education and intelligence on the panel, who might in many cases serve as guides to the others, and keep them from going wrong through ignorance or lack of understanding. Those who are familiar with country juries will appreciate this provision.

Let it be borne in mind that a man is liable to serve as a juror though he can neither read nor write, and though he may be half blind, half deaf, or quite stupid. This may sound ridiculous, but it is literally true, and I have seen such persons pressed into the jury-box against their own remonstrances. Such mischief has been caused by ignorant and imbecile jurors in Ireland, that a statute was passed this year (36 Vic. cap. 27) to exempt people who could not read and write, or who were blind, deaf, or stupid, from being jurors in Ireland; but no such exemption exists in England (*vide* Juries Act, 1870, sect. 9), and now and then we hear of strange verdicts given by juries of this kind. Some time since a young woman being tried for child murder, the jury found her 'Not Guilty,' but hoped she would not do it again.

A singular instance occurred in Wiltshire. A pedestrian who was crossing Salisbury Plain was overtaken by a foot-pad, who robbed him of his watch and purse. Before the thief had got far away two horsemen came up, and the traveller poured out his complaint to them, upon which they gave chase to the thief, and were rapidly coming up, when the fellow, who had run like a greyhound to get away, suddenly dropped down dead. An inquest being held on the body by a dozen of Wiltshire rustics, the coroner explained to the jury the law as to death by accident or suicide, and *felo de se*, but the only verdict which they would give was, 'We find that he bust hisself.' Of course I only use these anecdotes as illustrations of the ignorance that often sits in judgment in the jury-box, and of the desirability of diluting it with a little education. Yet the Attorney-General's clause met with so much opposition that it had to be withdrawn, though the fusion of the two classes who serve as jurymen had been twice suggested by the Common Law Commission, and approved by the Judicature Commission. If anyone desires to know whether the Attorney-

General or his opponents were in the right on this question, he should be present at a country assize trial, and see how anxiously the counsel and attorneys watch the looks of the common jurymen to see if any of them understand the case. If there is one man of superior intelligence in the box, the counsel for the party who has the right on his side will hope to win through him, and will probably have addressed him pointedly in summing up his client's case, expecting that he will lead the others to see where the truth lies. On the other hand the counsel who is in the wrong will rely mainly on misleading the ignorant or stupid part of the jury, and especially on exciting their passions or prejudices, and will consider a juror of superior intellect as his enemy. Here is the case where the Attorney-General's provision would many times prevent the wrong from prevailing over the right. I cannot but lament the opposition which this proposal met from several members of my own profession.

If trial by jury is to be retained in civil causes, a matter which has been and is the subject of great complaint and debate in Scotland and Australia, the way to retain it is to improve the constitution of the jury as much as possible, and to remove those objections to it which experience has made obvious and undeniable. Under the present system there are not a few instances in which a man might as well try his cause by ordeal or by battle as by a jury.

This leads me to observe that an important step has been made in the Supreme Court Act towards restricting the trial by jury to those cases to which it is really adapted, and in which it is beneficial, instead of applying it indiscriminately to all disputed questions of fact. Long experience in Courts of Law has shown that the wide diversity of causes which arise require different modes of trial; *that* which is suited to one cause is wholly unsuited to another, and to use one mode of trial for all causes is as gross and ignorant quackery as to give one kind of pill for the cure of all diseases. The trial by jury has proved an excellent thing in causes which involved the liberty of the subject or the press, in questions of libel, fraud, commercial bargains, and many others; but it has been a complete failure in cases which involved voluminous accounts or very numerous details and documents, or which required skilled persons to understand them.

Experience has long shown that at least four different modes of trial are necessary: the trial by jury for ordinary disputes; a trial by referees where many accounts and documents have to be investigated; a trial by a judge aided by skilled

experts in cases involving special knowledge, such as Patent cases and Navigation cases; and a trial by a judge alone where the questions are really disputes of law. Accordingly, all these four modes of trial are provided for by the late Act, and it will generally rest with the Court which mode of trial shall be adopted, subject to exceptions where parties have a right to try particular cases by a jury. I believe that these provisions will in time bring about the desirable result of limiting the jury trial to those cases for which it is suited, and of removing the dissatisfaction which has been expressed of late at the general use of it in Scotland and Australia. If the public only knew the great expenditure of time in the Courts which is wasted in endeavouring to dispose of causes by jury, which ought to be tried by a different tribunal, they would learn that a great part of the delay and expense which occurs before a cause is reached arises from this circumstance.

Among the important subjects which have engaged the attention of this Society during the last year at its meetings in London, the question of the desirableness of a general Code or Digest of the Laws of England has been a prominent one, and we have had the advantage of hearing the views of two very able gentlemen, one of whom, Mr. Fitzjames Stephen, as a member of the Legislative Council in India, took the chief part in re-editing and carrying the code of criminal procedure for India; and the other, Mr. Francis S. Reilly, who was the most active member of the English Digest Commission. Although this subject is one of too great extent and variety to be discussed in an address to the public, it will naturally be expected that the President of this department should take some notice of it. It was found in the discussion to which I have referred that much variety of opinion prevailed amongst competent and learned persons as to whether a code or a digest of the whole laws of England was expedient or practicable, and, if so, what was the best mode of carrying it out. The general question whether or no it is desirable to collect and digest the laws of a country like this into a code has been much discussed by Continental jurists with reference to the Code Napoléon, particularly by MM. Savigny and Thibaut, but it is observed by a French jurist that time and experience have given the victory to the advocates of a code, for more than twenty-five great States and countries have followed the example of France since 1814, and have established codes of laws. Amongst these are the enlightened States of Austria, Bavaria, Belgium, Denmark, Holland, Prussia, Russia, Sardinia, Sweden, and several of the Swiss Cantons, so that at the present time the principal

civilized nations which continue without codes are our own country and most of the United States of America. But, although we have as yet no general code of the laws of this country, we have of late been making progress by degrees in those steps which are proper, if not necessary, preliminaries to it. Thus a great deal has been done of late years in repealing an immense heap of old and obsolete statutes and consolidating those which remain. This useful work is still going on, and in a few years more it is expected that the statutes in force will be capable of being comprised in half-a-dozen moderate-sized volumes, instead of filling forty or fifty bulky quartos, as at present. Moreover, some branches of our statute law have already been digested or codified, such as the Bankrupt Laws, the Merchant Shipping Acts, the Excise and Customs Laws, and the statutes relating to criminal offences. This mode of proceeding to digest separate heads of the law seriatim, before attempting any general code, appears to be the method which was proposed by Lord Bacon and approved by Mr. Justice Story and by Lord Macaulay as the best.

Both the Digest of Justinian and the Code Napoléon are known to jurists to labour under defects which would probably have been avoided had those great works not been hurried to a conclusion. Chancellor Kent says, 'The Pandects are supposed to have been compiled with much haste, and they were very defective in precision and methodical arrangement. The emperor allowed ten years, and Tribonian and his colleagues finished the work in three years. If the work had been executed with the care and precision that Justinian intended, it would have been an incomparable monument of human wisdom. As it is, there are in it a great many contradictory doctrines and opinions on the same subject, and too much of that very uncertainty which Justinian was solicitous to avoid.' As to the Code Napoléon, I will venture to give an illustration of its defects. It was my duty, not long since, to ascertain the French law on a point of very common occurrence. An English house in trade carried on business also at Paris, under the firm of John Robinson and Company. Mr. Robinson withdrew from the firm and gave public notice of the dissolution, but allowed the remaining partners to go on trading in the old name of the firm, and the question was, Whether by so doing the French law made him liable for debts incurred by them since the dissolution of partnership. Now this is a very plain point in the English law, and was settled a hundred years ago, but on looking into the French Code de Commerce, I found it was wholly silent on the subject and threw not the

least light upon it. I then consulted the commentators on the code, who give the decisions of the French Courts on the various articles, and I found that the whole title of 'Partnership' or 'Contrat de Société' in the code was comprised in forty-six short articles, the decisions on which, given in the notes, amounted to above four hundred; in other words, the code was completely swallowed up and lost in the decisions upon it, which were twenty times as voluminous, but which contained the most essential points of partnership law, and, amongst others, the point I wanted.

Instead of the forty-six brief articles of this code, Judge Story's book on Partnership contains 463 articles, equal in length to about 1,600 of the French code, and Mr. Lindley's excellent book on Partnership has above 1,500 pages, which are equal at least to 6,000 articles of the French code.

The same thing is true of several other titles of the Code Napoléon which I have had to consult; the articles were so few, so brief, and so vague as to be of no assistance whatever to a practising lawyer, and the consequence was that nearly all of them were overwhelmed by heaps of 'Arrêts,' that is to say judicial decisions, without which they would be wholly uncertain, ambiguous, and unintelligible. Now such a code as this will never do for us. I do not hesitate to say that, unless we are to have a better code than the Code Napoléon, the English lawyers and English litigants are better without any code at all; and the vast sum of money required to construct it would be utterly wasted. A code of English law, to be good for anything, must be at least ten times as voluminous as the French Code, the brevity of which makes it as ambiguous as a Delphic oracle. Never have I seen such an example of the saying, 'Brevis esse laboro, obscurus fio.' It attempts to compress nearly all the laws of France into one volume of about 600 pages, when the thing could not be well and clearly done in less than ten volumes, and when the Roman Code and Digest occupy more than ten times the bulk. It may be safely said of the wide-extending and diversified branches of law which govern such a wealthy, commercial, and refined nation as ours, that a code of five volumes would be five times as good as a code of one volume; and a code of ten volumes twice as good as one of five. If any of the public imagine that the vast mass of laws and decisions which govern our affairs in every transaction of life, the forty or fifty quarto volumes of statutes and the five hundred or more books of reports—the fruits of centuries of law-suits—which load the shelves of every practising barrister, or even the surviving and essential parts of them, can be condensed into one or two volumes, they had better

be undeceived. The thing is impossible, and every lawyer knows it. He finds it necessary to have a separate treatise on every branch of law, and each treatise is a volume. If you had a dispute about a Charter-party or a foreign Bill of Exchange, you would get about as much light upon it by consulting the Ten Commandments as from a code of one volume. A learned lawyer named Viner, above a century ago, undertook to publish what he called an Abridgment of the Law. This singular abridgment fills thirty octavo volumes. Since his time, the statutes and reports have increased at least fivefold, so that Viner's Abridgment should now fill a hundred and fifty volumes! Fortunately, five-sixths of the contents are obsolete or useless, and the remainder admit of being sifted and the essence abstracted so as to form a useful code within the limits of ten or twelve volumes; but I have no faith in less than this, and I think it only honest to say so. Whoever expects to put the future code in his pocket must have it written as small as Homer's Iliad was, when it was enclosed in a nut-shell. In such a great and national work as this, which, when executed, ought to remain to all future ages as a monument of the laws of England at its highest point of greatness, prosperity, and freedom, there ought to be no hurry. Nor, in my opinion, is there any occasion to precipitate the work by attempting too much at once. The Roman world remained about four hundred years without a code after Julius Cæsar projected the idea, before it was first effected by Theodosius, and that interval was the most flourishing period of Roman law. Nor is there the same pressing necessity for it here as there was in France under Napoleon. The French jurist, M. Pailliet, says that the Revolutionary Government in France had issued about 15,000 decrees, which had overturned everything and reduced the laws to chaos, which made codification indispensable.

But, further, it seems obvious that it is not desirable to attempt constructing a complete code or digest while so much work remains before us in the way of amending the existing laws, and while some branches of law are in a state of fluctuation. For example, if we had enacted a code of laws relating to public companies, or to the public health, ten years ago, it would have to be done all over again now, so great have been the alterations and amendments made in the last ten years. So it would be labour thrown away to attempt a code of civil procedure until we have had some years' experience of the working of the new High Court of Justice. Moreover, the public mind is not yet prepared to see the expediency of spending so large a sum of money as would be required for the

preparation of a complete code by the ablest jurists and legislators—and it could not be entrusted to any other—a sum which was estimated by the best judges at a quarter of a million sterling. We shall have to look to the efforts of this Society, and above all, to the enlightened journals and magazines of this country, which are the great educators of public opinion, to awaken the public mind on this subject before we can expect the great and crowning work of a general Code or Digest to be undertaken with the authority of Parliament.

In the meantime progress may be made in digesting or codifying those heads of the law which have reached something like a state of stability, such as the law of evidence, which, I believe, has been placed by the Attorney-General under the able hands of Mr. Fitzjames Stephen, with the view of forming it into a code. There is no reason why the law of bills of exchange, of contracts, of partnership, and a great many other heads should not be also undertaken at once.

Upon this subject, it is curious to observe that a despotic government has the advantage over a popular one. If Justinian and Napoleon had had to submit their measures to a House of Commons, they might have been so mauled and mutilated by Opposition members as to spoil their symmetry entirely, and induce the authors of the codes to give them up in disgust. Lord Macaulay, in his speech on giving a code to India, says: 'A code is almost the only blessing which absolute governments are better fitted to confer on a nation than popular governments. The work of digesting a vast and artificial system of unwritten jurisprudence is far more easily performed, and far better performed, by few minds than by many—by a Napoleon than by a chamber of deputies and a chamber of peers—by a government like that of Prussia or Denmark than by a government like that of England. A quiet knot of two or three veteran jurists is an infinitely better machinery for such a purpose than a large assembly, divided as such assemblies almost always are into adverse factions. It is the work which especially belongs to a government like that of India—to an enlightened and paternal despotism.'

Since Macaulay spoke these words, the Indian Government has, with the aid of those eminent lawyers who have sat on the Legislative Council, conferred on the various nations under their rule the blessing of a series of codes, embracing nearly all those transactions which are not governed by the native laws of succession, which it would not be politic to interfere with. This great work has been gradually accomplished—not all at once—but in course of more than twenty years, dealing

with one branch at a time. And in the same gradual manner we may hope in the course of years to build up a code of our own laws, which are of course much more numerous, more various, and more voluminous than the Indian codes. May we live to see it accomplished, and may the name of Queen Victoria be inscribed upon it—a name which will remind future ages of those victories of peace which are far higher and more admirable than those of war, which triumph not over nations, but over nature, and which increase the health, the wealth, and happiness of mankind, instead of afflicting them with the sword and famine and pestilence.

The name of Victoria will remind them of the victory achieved by engineering science over the vast ocean which formerly separated the different nations of the earth by impassable distances, and in piercing through those Alps which seemed like the walls of the world, of the victory achieved by man over the electric fire, which now imparts instant intelligence to the remotest lands; and of the victory achieved by education and cheap literature over the darkness and ignorance of the millions. We trust it will also remind them of another victory which was quite as hard to win—a victory achieved over the obstinate prejudices and errors of ancient law and custom, and the establishment of a system of jurisprudence worthy of the nineteenth century. If our Association can in any degree contribute to this, we may comfort ourselves with the reflection that we have not met, and reasoned, and spoken in vain, nor been entirely useless to our fellow-countrymen. It is not given to many of us to lift up our voices in Parliament, or to wield those eloquent pens, more mighty than swords, which daily excite our admiration in the leading newspapers; but we can all take some part, however humble, in arousing the public mind to those defects in our ancient system of law which still require a remedy, and in pointing the way to a better system. We may thus share in the noble and patriotic effort to raise the legal institutions of our country to an equal height with the great achievements and discoveries which distinguish the nineteenth century above any previous age of the world. This is an object fit to arouse the ambition —this is a cause worthy to employ the energies of every great and noble mind, and of every man who is proud of being an Englishman.

Address

ON

EDUCATION.

BY

PROFESSOR W. B. HODGSON, LL.D.

THE subject of Education, at all times vast and difficult, is at this time, if not more extensive, at least more complex than ever, and is proportionally difficult of treatment. It is hard to steer between the Scylla of commonplace and the Charybdis of controversy; and yet whatever in this subject is not true is disputable, or, at least, disputed. What visions of battles in the air (like Kaulbach's Hunnen-Schlacht) are conjured up by the mere enumeration of the topics now everywhere discussed! Education, private and public; primary, secondary, and tertiary; voluntary or State-aided and State-controlled; literary or scientific; "classical," so-called, or "modern;" secular or religious, that is, more properly, theological, technical, or general; endowed or unendowed; free or compulsory; gratuitous, or paid by fees; common to both sexes or peculiar to each sex—such are some of the watchwords of the warfare which rages, and is likely long to rage, among persons all deeply interested in education, and all eager to promote it according to their respective views. Of those who openly or secretly disparage education, of those who (as I once heard Archbishop Whately express it) embark in the good ship "Education," on purpose to delay the voyage, it is needless here to speak. The ends and the means of education, its principles and its details, its scope and its machinery, its methods and its organisation, its objects and its subjects—all furnish points of divergence in opinion—divergence proportioned to the magnitude of the interests at stake, and to the very earnestness with which these are maintained. To avoid controversy, then, is impossible, even though, for good reasons, I shall not touch upon the 25th clause, the Conscience Clause, and other burning

questions of the day. It must suffice for the speaker sincerely to disclaim all wish to give offence, and for the hearer, as far as possible, to put aside all readiness to take it. The late Professor Edward Forbes told me once that in transcribing into his album passages from books he always selected not those with which he agreed, but those from which he differed, and for this reason—that the latter were much more likely than the former to test the soundness of his previous convictions, and to suggest fresh lines of thought. And so, I trust, those who hear me, if I shall be unfortunate enough to say what they disapprove, will not hastily condemn or at least reject it, but give it a patient consideration. I have no fear that more weight will be attached to it by any than it may deserve. On the other hand, it is equally impossible to avoid commonplace, and for this reason, were there no other, that much of what is in words admitted to be true—much that seems even to be a truism—is not cordially and practically accepted as a truth. Confessed or avowed by the lips, it is not really adopted by either head or heart, inasmuch as it does not influence conduct—the only valid test and evidence of belief. Thus we do really believe that fire will burn us, for we avoid contact with it; but we do not believe that vitiated air will poison us, because, as a rule, we do not take much precaution against inhaling it. And what Bunsen says of "separation between knowledge and action," that it "is unsound and enfeebling," is true of all want of harmony between professed belief and practice. The remedy is reiterated and varied exposition; for, in the experience of us all, it happens that at times an old truth grown dim and dull, and almost dead, becomes suddenly and strangely luminous, electrical, and life-giving. In what I have to say, therefore, I will as little shun the threadbare as seek the brand-new; and if I say here and there what you all know and believe already, I beg that you will set off against it whatever I may say that few or none of you believe or will accept. I aim at no complete or very systematic, much less at an exhaustive, treatment of the subject. The term "exhaustive" is ambiguous, even ominous, and susceptible of very sinister and uncomplimentary application. My main purpose is to indicate, as briefly as I can, and as fully as time permits, certain aspects in which the course of recent and passing events seems to me to be gradually bringing our schemes of education more and more into harmony with a high ideal of education; and certain other respects in which for this end improvement in our plans and methods is greatly to be desired. On the whole, in spite of much that is discouraging, I view our pro-

gress hopefully; if I did not, I should have more hesitation in suggesting aught to render it more rapid or more sure.

THE IDEAL OF EDUCATION.

What, then, is the ideal of education to which I have referred? Education, even in its narrower sense of school teaching and school training, ought to aim at fitting and preparing for the discharge of the various duties of the coming life; and as a means to that end, but not less as an end in itself, at the harmonious and orderly development of the diverse powers of mind and body, so that each and all may work for good, and at the formation of character, of which conduct is the issue and the evidence, while it is not less true that conduct re-acts on character. Education, then, must be physical as well as mental, emotional, moral, religious, and æsthetic, as well as intellectual. The interdependence of each on the others cannot here be expounded; but the more each is studied the more is it found to mix itself with the others, affecting, and in turn affected by, them. The attempt to sever them, to strengthen one by the neglect of others, results only in distortion and failure. The emotions must be held in view as well as the understanding, and the moral faculty as well as the emotions, in the controlling and guiding of which its great function lies; and even for the sake of the mind, the body must be disciplined and invigorated. It is the more important to insist on this now familiar truth because, as a matter of history and fact, our English education has too long, and till of late, been in intention and in tendency predominantly intellectual rather than moral, literary rather than intellectual, linguistic rather than literary, and verbal rather than linguistic; and dealing with memory rather than with judgment and reflection. Confined at first within a very narrow social circle, as its range has widened, its nature and aims have not proportionally changed; what was designed for the few has been extended to the many, and even when the details have varied the spirit has been retained. The sort of teaching which was at first restricted to the clergy, and specially fitted (I do not say fit) for their vocation in times when the Douglas is reported to have said,

> Thanks to St. Bothan! son of mine,
> Save Gawain,* ne'er could pen a line,

was by degrees extended to the upper strata of the lay community, and made its way gradually downwards through the

* Bishop of Dunkeld.

social mass. That it did not penetrate to the lowest has been due mainly to the fact that till a time surprisingly and humiliatingly recent it was generally denied that the great body of the people should be taught at all. They were the workers, by whose brute labour the minority were to be relieved from drudgery alike irksome and degrading; and anything in the shape of instruction would only disqualify and indispose them for the sphere "in which Providence had placed them," making them discontented and insubordinate, a danger to the State, and a nuisance to themselves. This superstition of caste, this notion that the workman exists for the work, not the work for the workman, is still deeply rooted and widely spread. Thus, recently, a well-informed "Country Squire" writes to the *Spectator*: "The tenant-farmers, as a class, are bitterly opposed to education. They look upon it as the root of their troubles, of the present movement among the labourers, and of the action of the Labourers' Union. They say, now that labourers can read, they learn what goes on in other districts, and are thus led to agitate for higher wages, to strike, to migrate; and they hold that an educated labourer works less well than one who is uneducated." And it is not tenant-farmers only who thus believe. There are thousands of well-fed, well-clothed, well-disposed, and not uncharitable persons who still believe, though they are more shy than formerly of avowing their belief, that the instruction of the worker is fatal to the work, and who (whatever may be their sentiments about negro slavery) have no misgiving about keeping minds in darkness if thereby their own boots may be better blacked, and their own parlours be more punctually swept. But numerous as this class may be, it is now-a-days in the minority; and schooling for even the humblest classes has been declared a necessity, and has been progressively provided for. Still, the narrowness that long characterised the upper education has clung to even this, in spite of inevitable differences. "I do not object to my servant learning to write," said once the mistress of a household, "but I do object to her writing like a lady." And so, even after the propriety of some popular instruction has been reluctantly conceded, the great anxiety has been to restrain it within safe bounds; and, in some measure, the State has embodied this spirit in its educational enactments. Not many months ago a Liberal candidate for the House of Commons told his hearers that it is "the duty of a State to give all children a *minimum* education." "I wish you would pay a little attention," said a teacher to an idle pupil. "So I do," was the reply; "I pay as little as I can." And thus, if the State must meddle with

education, let it give the barest *minimum* compatible with the seeming discharge of a duty unwillingly assumed.

HUMANISTIC VIEW OF EDUCATION.

Now, as soon as we rise to what I may call the *humanistic* view of education—that view which recognises the essential unity of humanity, and the common claim of every human being as such to have what faculties nature has bestowed fully cultivated and trained, for the sake at once of the individual and of society—the folly and iniquity of all pre-arranged restrictions on education become strikingly apparent. It is doubtless true that, *in practice*, the education of all cannot be equally carried forward—that there are obstructions and limitations that cannot wholly be surmounted. There are differences of capacity, of social position, of "the hard necessity of daily bread," that render all hope of equality in educational progress chimerical. But all the less reason is there for adding to these real practical restrictions others that are theoretical, or rather conventional, if not arbitrary in their nature. There needs be no fear of transcending the possible, however we may strive; but what can be, now and here, is not the final measure of what ought to be—of what it is desirable should be—of what we may hope will one day be. Let each advance as far and as fast as he can, still individual and even class differences will remain; but they will be found at a higher general level of progress; they will be less glaring in their contrast, less pernicious in their effects. Nay, further, is not the presence of greater difficulty a reason for greater effort, not for less, in order that this initial deficiency may be as far as possible removed? It is those who have least of beneficial home and social influence that most require the best influences that school can bring to bear. The shorter the time available, the more parsimoniously should it be economised, the more judiciously ought it to be employed. The feebler the capacity, the more earnest and wise should be the effort to draw it forth, and stimulate its growth. In this way, nowhere have I seen more skilful and ingenious teaching than in the School for Idiots at Earlswood; and while I have watched the process with the deepest interest, I have been tempted almost to wish that the children of the poor were generally nearer to that condition, if only they could thus be saved from the stupefaction and stultification of dry, dull, dead routine, and by more intelligent teaching roused from the mental lethargy which too many schools do more to deepen and to perpetuate than to remove.

RESTRICTIONS ON EDUCATION.

The restrictions which are *in limine* proposed in education rest mainly on three grounds:—1. Social rank; 2. Professional calling; 3. Sex. All these deserve some consideration. The first and the second cannot be wholly separated, although, did a more liberal estimate of education commonly prevail, and were there a closer connection between the elementary and the secondary schools of the nation, whereby merit might be promoted and ability encouraged, position in life would be less than now determined by the accident of birth, and the whole nation would reap the benefit of whatever genius or talent or faculty is now latent or stunted. In face of the many examples we have of eminence attained in spite of humble origin, it is strange that origin should be so commonly accepted as the sign and seal of destiny. But it may be questioned whether those very examples have not fostered the notion that naturally superior ability will always force its way to recognition—that therefore no special aid is needed; nay, that talent might only be thwarted and encumbered by early help. But talent does not always force its way. Eminence is due in no small part to other characteristics than mere talent—to energy and self-reliance, and self-confidence, sometimes akin to arrogance, qualities not always conjoined with talent. And even where talent does unaided force its way, it is at a sacrifice of ill-directed labour, and with a penalty of onesidedness, which bear with them lasting regret. Besides, it is not, after all, the exceptional few, but the undistinguished many, that chiefly claim consideration; to raise the whole class is a grander thing than to raise an individual here and there out of a class; and if even the humblest sphere is adorned and exalted and blessed by mental culture; if even the humblest duties are the better performed by enlightened intelligence and refined motive; then it is to be deplored that any barrier should wilfully be introduced in the way of culture.

MINIMUM EDUCATION THEORY.

This "*minimum* education" theory, as applied to the humbler classes, that is to the bulk of the community, has a strong light thrown upon it if we consider the reasons used to justify the interference of the State with education, even to the extent of rendering it compulsory. We are told, and with truth, that an ignorant, uninstructed, untrained people are likely to be a turbulent, improvident, intemperate, unhealthy, and vicious

people, a source of danger to the commonwealth, and a threat of ruin to the State. Drunkenness and crime, and pauperism and insanity, and disease in all forms, are the natural results of neglect of education. But where education does not exist, the want of it is not felt; it is even distasteful in proportion to the need for it; the greater the need, the less the desire, the stronger the dislike. The State must, therefore, put forth its power, sweep all children into school, and compel them under heavy penalties on the parents, if not themselves, to receive—what? a *minimum* of education? To read after a fashion, to write, and to do a little ciphering, these being the results that are to be paid for, all else and all beyond being not forbidden indeed, but expected to come, if at all, of themselves. But will reading and writing, even with ciphering to boot, do much to cure or to prevent the great social evils which call for and justify the interference of the State? Truly, a most lame and impotent conclusion! It is monstrous to speak of reading and writing as the *basis* or *bases* of education, or even as its indispensable preliminaries. At best they are but among its instruments, though they may indeed become its substitutes. A mind trained to observe nature animate and inanimate, to watch ordinary social arrangements, to classify what it has observed, to trace the relation of cause and effect, to reflect on consequences of different kinds of action, to guide conduct accordingly, to forego immediate enjoyment for the sake of greater good to self or others, may be produced without reading or writing, and is a far nobler product of education than the mere power to read and write, however neat the penmanship, or correct the pronunciation, or perfect the spelling. No doubt it will be said that there is no incompatibility between these two sets of things: that neither needs exclude, or ought to exclude, the other. True. Nevertheless, through prejudice grown inveterate, it is everywhere assumed that the less includes the greater, and that the acquisition of two largely mechanical processes must be, or is likely to be, followed by the desired intellectual and moral results, though the word results is here singularly out of place.

EDUCATION TOO LITERARY.

This strange exaggeration of the efficacy of reading and writing is an inheritance from the still dominant bookishness of education. In early life, time spent not in reading books, but in original observation and experiment, has too long been viewed as wasted in idleness. A book is always interposed

between the eye and the object to be observed, between the mind and the subject to be studied. A learned man is a man "well read," even though he may (as has been remarked) have put so many books into his head that his brain has no room to move. If you travel in Switzerland, you see hosts of tourists, male and female, far more intent on their guide-books than on the scenery. If you go to the theatre, you see many busy reading the book of the play, instead of following closely the movements on the stage. A dispute arises about the nightingale, whether it sings by day or only at night, as its name implies. Forthwith the disputants do not go out into the woods and fields to listen for themselves whether the nightingale really sings by day. They fill successive numbers of the "Classical Journal" with quotations from Greek and Latin writers of poetry or prose, who have written this or that about the nightingale. All this is but a consequence of the preponderating literary character of general education, to which I have already referred; and so it is assumed that the power to read will develop the love of reading and ability to understand and appreciate what is read, to choose only what is worthy, and reject what is unworthy in literature, will elevate the taste and strengthen against temptation, and ennoble the life. But in the absence of true mental culture, this power, where not unused and lost, is too often abused; and hence arises the cry of over-education, while the error lies in under-education, in education ill-directed, in the unreal semblance of education, in taking for ends what are not necessarily even means. It is evident enough that the State cannot, ought not, to be expected to give to all the highest possible education; but between the desirable *maximum* and the proposed *minimum* there is surely some intermediate point, not too high for attainment, not too low for any real efficacy. What we accomplish is not unlikely to fall short of what we aim at, but it is certain not to rise above it. Hence the importance of having at the outset a right standard at which to aim.

It is, further, to be borne in mind that it is not with the State, but with the parents, that the primary responsibility for the child's training rests, and that it is solely, or at least mainly, because parents have neglected this duty that State interference is justified and required. To form better parents in the coming generations is, then, the great desideratum; and for this end a much higher level of both intellectual and moral training than is commonly, I will not say attained, but even aspired to, or thought possible, is simply indispensable. And when I say intellectual and moral training, I do not mean two

quite distinct kinds of training, which may go on, indeed, side by side, but of which either may be taken up at pleasure and the other left. It is in the blending of the two that the real educational power consists. Few persons, perhaps, have adequately conceived the extent to which intelligence can be brought in aid of morality, converting good but feeble impulse into firm conviction and steady purpose. This is a very different thing from the common practice of committing moral precepts to memory, and repeating them in the very words of the text-book or catechism, the success of the lesson being estimated according to the fluency and exactness of the verbal recitation. This practice is but slightly more rational than that of some Mahometan tribes in Africa, of whom we are told that with chalk they write on a board texts from the Koran, then wash them off and drink the water, thus literally imbibing the precepts of their prophet. Then there is the direct appeal to the moral faculties themselves, requiring in the teacher a power far other than the prescribing and gauging of task-work. On this subject, so transcendently important, I have peculiar pleasure in quoting at some length the latest report (for 1872) of Mr. William Jolly, Her Majesty's Inspector of Schools in the northern counties of Scotland:—

The Moral Education of Children.—It is remarkable that amongst the many subjects taught in our schools, one subject, and that not the least in importance, has not formed part of the regular school course—the education of the moral faculties of the children. It is also not a little surprising that amidst the abundant discussion regarding the introduction of new subjects now considered necessary for our schools, this one has rarely been mentioned. But, beyond doubt, in a thorough system of education for all schools, that education will remain imperfect in one of its most important elements, if moral education is left out. In the words of Sir Walter Scott, "we shall never learn to respect our real calling and destiny till we have taught ourselves to consider everything as moonshine compared with the education of the heart." No doubt, till now, this part of education has been supposed to be included in religious knowledge. But even with religious knowledge taught in our schools, moral teaching and training should also be systematically given. This subject treats of our duties to ourselves and others, their nature, and the principles that regulate their performance. A very large part of error in conduct arises from simple ignorance of the right actions to be done in certain circumstances, and their results to ourselves and others. We require to know the laws of our constitution and our relations to others to be able to perform the actions that are in accordance with these. Such truths are in no degree antagonistic to religion, nor are they to be substituted for it. Rightly viewed and rightly taught, they are its best assistance; materials for its becoming wiser, purer, and nobler.

They tell us how to perform the duties incumbent on us, which should be performed religiously and piously.

In urging the teaching of moral duty in schools, it is not meant that we are to teach Moral Philosophy. The subject is not to be treated technically in form or manner. It makes no inquiry into the nature of the moral sense, into theories of the sanction of virtue, and like subjects. It is earnestly and eminently practical, and is to be as practically taught as writing or arithmetic. As in those subjects the chief end of our instruction is to show how to do certain things, and to exercise in their right performance; so it is in morals, which is truly the science of action. The teaching is to end in action, in doing what has been pointed out, and in correcting errors made in doing it.

The range of subject matter is wide, varied, and important. For example, amongst general truths, it should aim at making children realise the existence of permanent good and true joy, available to them at all times, beyond mere physical pleasures, which are too exclusively appealed to. It should try to make them feel and seek the joys of right moral action, the sweet delights of doing good. It should seek to show the child that the end of existence in this life is not so-called "success in life," "getting on in the world;" that this is good and to be valued and pursued, but only as an incidental, not as a final end; that the true purpose of life lies in the right development of his nature, in the formation of a high, truthful, broad, loving, manly character. It should teach the child the truth regarding much in action that is misapprehended and misrepresented in common thought and speech; as that "self-denial" is not really self-denial, but rather the choice of a higher good, the renouncing of a lower gratification for a higher, truer, and more lasting joy, and that such words originate in an over-valuing of the physical. It should point out to him that very many of the so-called "ills of life" are self-originated, have their origin in the over-valuing of what is not truly valuable, in the following as certain of what is contingent, the reckoning as permanent of what is evanescent or changeable. Such truths can be simply taught and made plain and clear even to children.

Then the various duties of life should be taken up separately, as far as they belong, to the life of childhood and boyhood. These require explanation and enforcement. They form a wide and attractive field. Amongst duties to ourselves there are the regulation of the appetite, cleanliness, temperance, exercise, and the other duties belonging to physical morality; frankness, firmness, self-service, self-equipoise, courage, energy, presence of mind, perseverance, modesty, contempt of false opinion, resource, manliness, and such-like, with their opposite ills and pains. Amongst duties to others, there are kindness to animals and to all, forbearance, forgiveness, gentleness, generosity, conscientiousness, reverence, courtesy, honour, truth, heroism, and the like, with their opposite ills and pains. The list is inexhaustible. The very mention of such a course of instruction and influence is inspiring, and carries with it its own recommendation. The subjects are quite within the grasp of children, and, rightly treated, have a natural attraction to the young, and can be made as fascinating as stories of adventure.

Moral duty, the conduct of life, the rules of right living, by whatever name the subject may be called, should, therefore, be taught in our schools, and should be taught regularly and systematically. The teacher should himself traverse the whole field and select the portions suitable to his pupils. A part of every day ought, if possible, to be spent at the lesson; at least, it should be given several times a week. Each lesson should be short. It should be given clearly and pleasantly, and chiefly by well-selected examples, told or read, and set in their true light. False or low opinions on any subject should be carefully pointed out. A high, but not Utopian, standard should be maintained. Lecturing is to be avoided. The subject cannot be made to influence the life by didactic and moral sermonising, but by teaching and explaining in a loving earnest spirit, that speaks through accent, word, manner, and mode of treatment. The influence of such a course on the school tone would be very great. It would create a sweeter and purer moral atmosphere. It would certainly lessen punishment. With such a standard, with such grand and kindly topics, mere corporal pain would be less required. The result of such a course, rightly taught, would be the formation in the children of true opinion on moral action, good habits of life, and high tone. It should generate in the hearts of the children a supreme and ardent love of truth and goodness, which will go with them for ever, and be a central impulse through life, impelling towards high character. Can we estimate the extent and strength of the influence a good teacher could wield in this way, in the daily school life, home life, world life of his pupils, and, through them, on society and on the coming generation? The great possibility of being the centre of such influence is not the inheritance of every man—it is that of the teacher. Can any true and good man hesitate to try to be something of this? "If life be a battle, then let the teacher be a bard, inspiring his boys for it with martial music," as Jean Paul says.

NEED OF MORAL TEACHING.

Everywhere around us we find coarseness of manners and of speech, cruelty both to animals and to our fellows, petty dishonesty, disregard of truth, wastefulness, evasion of duty, infidelity to engagements, not to speak of graver forms of wrong-doing; and who believes in his heart that school training can do anything to prevent them? Take cruelty to animals, from pigeon-shooting *in excelsis*, and cockfighting, for which Cheshire is now as famous as for cheese, to nest-robbing and throwing stones at birds by juveniles of the humbler sort. On this subject it has indeed been thought, late in the day, that some good impression might be made in schools. And how has the attempt been made? Prizes have been held out for the best-written essays against cruelty to animals. But what effect can this produce on the mass of pupils who do not compete? What effect is it likely to produce on the few who do com-

pete? It is quite possible to be very ambitious in writing for a prize an essay against ambition; to injure health by writing about its conditions. It is quite possible, especially for the young, to be more intent on trimly-turned sentences and well-sounding phrases than on the moral to be worked out. Contrast this method with an experience of my own. Some years ago I accompanied that admirable man, the late Dean Dawes, on a visit to the National School at Hereford. On entering the playground I was surprised to see a number of poultry straying about, undismayed by the sports that were in progress. In answer to my question the master, who fully justified the Dean's encomium, told me that the poultry were among his most efficient means of education. The children watched over them with the greatest care; and if by any chance a new comer attempted to do any of them an injury he was at once denounced and deterred by the general voice. But, further, the teacher interested the children in the structure and habits of animals, and they grew to regard them as beings not to be destroyed or tortured ("It is a fine day, let us go out and kill something"), but to be protected, and carefully observed. The Rev. J. G. Wood describes the astonishment of a friend to whom he once showed a caterpillar under a microscope. "Why," said he, "I always thought it was only skin and squash." With very different feelings, as well as thoughts, would he thereafter view the despised caterpillar!

One of the many various aspects of this subject must not be omitted. Nowhere is moral training more needful than in the ordinary economic, financial, or business relations of life. A lady told me a few weeks ago that a journeyman painter asked her to allow him to do in his own time some painting in her house. The bill came in; a week's work was charged, while, measured by hours, the work had not occupied more than two days. He admitted the fact, but contended that as the job would have lasted a week had he been working for his master, he was quite entitled to a week's pay when working for himself. Thus one fraud on his master was used to justify a second on his employer.

But what, I think I hear it asked, has school to do with such things as these? The best answer may be gained by a visit to any of the Birkbeck schools, munificently founded and endowed by Mr. William Ellis of London, especially to that at Peckham—where Mr. Shields has long ago proved that the young mind can be interested in such matters, and guided to right judgment regarding them. Our own practice and conduct depend largely on our present estimate of conduct in others;

and whether our circumstances are like or unlike theirs, praise or blame must be rightly or wrongly awarded according to our power intelligently to appreciate the bearings of each case. What we do not understand, what is out of our narrow circle, we are apt to approve or condemn very much at random, or on grounds that have never been carefully surveyed. At a recent public meeting, a clergyman in a rural district asserted that Trades' Unions were, in his opinion, legitimate among mechanics and manufacturing operatives, but on the part of agricultural labourers were wrong. Another clergyman whom I met lately at dinner denounced strikes, not as imprudent, unwise, and mischievous, but as rank rebellion, and as contrary to the "Sermon on the Mount." My startled inquiry drew forth a reference to the text—"Whosoever shall smite thee on the right cheek, turn to him the other also." I will not attempt to fathom the confusion in this gentleman's mind between two very different kinds of striking, if not between striking and being struck. I cite the case merely to show how important it is that moral judgments should be directed by reason and knowledge, and how easy it is for even good general maxims to be misinterpreted and misapplied. Reason must be the guide of sentiment, though not its substitute. Too commonly, neither reason nor sentiment is engaged. Authority is the only standard appealed to, the verbal memory the only faculty addressed, with punishment in the back-ground for failure in the repetition of the words. When the late Mr. Horace Mann visited this country from the United States on an educational tour, he asked the head-master of a large London school (now, happily, in better hands) what kind of moral training he adopted. The answer was, "I do not believe in moral training." "If, then, a boy tells you a lie, what do you do?" "If, sir, a boy tells me a lie, I make him write out twenty times, or more, these words: 'Lying is a base and infamous offence;' and if he brings the paper to me badly written, I tear it up and give him a good caning." Comment is here superfluous.

RELIGION AND THEOLOGY.

In the present contest about primary national schools, between those who would exclude theology from the usual school-hours and those who would include it, there is danger lest such applied moral training as is indispensable for guidance in life should be neglected on both sides. On one hand, those who insist on strict dogmatic instruction in theology are apt practically to assume that no more is needful for thorough

moral teaching; while on the other, those who object to and forbid such dogmatic teaching are apt to forget that the moral may share the fate of the theological, and be with it left out. It cannot, I think, be denied that the disposition to remove the teacher from all contact with religion, even though by that word is commonly meant theology, has a tendency to narrow the estimate of the teacher's office, and to degrade him from the position of a trainer of character into the mere director of certain more or less intellectual tasks. How frequently do we not hear it inquired, "Is it not possible to teach arithmetic without the creed, or geography without the Westminster Confession?" But this is trifling with the question. Were the schoolmaster a mere teacher of arithmetic, or of geography, or of writing, or of many other things that might be named, no difficulty need or would arise. But it is in matters of conduct, of moral judgment, that the difficulty is real and urgent; and to evade it is worse than useless. How far, in order to give to moral teaching the sanction and crowning influence of religion it is inevitable to import into the school teaching one or other form of dogmatic theology is an inquiry on which I cannot attempt to enter here. My sole contention is that, with theology or without it, for the attainment of moral results systematic and intelligent moral training is indispensable, and that to rest in the hope that great moral improvement in society will follow from the indirect effects of ordinary school routine, were it even much higher than it is, is to expect harvest without sowing, and figs, if not from thistles, at least from vines.

TECHNICAL EDUCATION.

Having said so much in censure of the ordinary tendency to narrow education according to the social rank of the pupils, and in assertion of the essential unity of all true education, in spite of social inequalities, I may be, and indeed must be, very brief in dealing with the other two grounds of restriction before mentioned, viz. professional calling and sex. The profession, viewed apart from distinctions in rank, suggests what is commonly called "technical education;" and if I am right in the principles laid down at the outset, it is plain that technical instruction, however useful it may be—and its utility is not disputed—ought to be at best only the sequel of a wide general culture. The man must take precedence alike of the lawyer and the mason, and the special training will be all the more effective, especially in times of rapid progress like our own, the more it rests on a broad educational basis.

EDUCATION OF WOMEN.

As to sex, after the papers and discussions of yesterday, I am relieved from the necessity of saying much. It may be observed, however, that the restrictions which some would impose on the education of women are closely akin to those which a false estimate of special training would impose on the members of different professions. In this way, a woman's speciality, and, so to speak, her profession, is wifehood and maternity; and all that does not bear on that special profession is (we are told) a superfluity, if not a mischief. Now, it has been replied over and over again: 1st. That all women do not, and cannot adopt this profession; that their adopting it does not depend upon themselves, but only their not adopting it. 2nd. That intellectual culture and moral training are even to the wife and mother of unspeakable advantage, and through her to her husband, her children, her household, and her friends. But, further, if instruction in each case is to be restricted to the most pressing requirements of a special calling, and if the so-called sphere of woman is to be used to justify the narrowing of her education—we are surely entitled to expect that the instruction, so narrowed, will be directed in due relation to that sphere. We should expect, therefore, to find that all women, without exception, are early and duly trained in household duties, in domestic economy, in cookery, in book-keeping, in mental arithmetic, in the sewing and cutting out of garments, in the management of children, at least of their bodies, if that of their minds be too exalted a task for women, in the laws of health, and much besides that the profession of wife and mother urgently requires. You know how little this programme tallies with the actual so-called education of women and their actual so-called accomplishment. Let us be at least consistent. If buttons are the true antithesis to botany, mutton-chops the alternative to mathematics, so be it; let us choose accordingly. It has been well remarked:—"Dr. Samuel Johnson used to say that a man would rather that his wife should be able to cook a good dinner than read Greek. He does not seem to have anticipated a time when a woman would learn to do both." Very true; but what shall we say of women who are equally and utterly unable to do either? It is recorded of a great mediæval scholar that when he was asked why he did not take holy orders, he answered, "That I may be free to marry," and then when asked why he did not marry, replied, "That I may be free to take holy orders." In a somewhat similar way, women are denied the higher culture, lest, as we are told, they

should miss the lower. But why they are denied the lower too is a mystery which I must leave for solution to those who insist that women should remain just such as antiquated prejudice and effete conventionalism have ordained that they shall be.

Having at such length, though still most inadequately, contended that no differences of rank, or calling, or sex, justify any *à priori* restrictions on the essentials of education, which are in all cases the same amidst many differences of detail and of application, I have left myself little time even to hint at any of the recent signs of educational progress to which I alluded at the outset.

"CLASSICAL" INSTRUCTION.

The higher estimate of physical science, whether of observation, or of experiment, or of calculation, the better appreciation of language in general, and of the modern languages in particular, and especially of our own mother tongue, not merely in their so-called practical bearings, but as educational agencies and means, have induced a more rational estimate of the rightful place of the classical languages in education, and more philosophical and comprehensive methods of teaching them. The monopoly which they so long maintained is fast passing away, though it will still be long before they descend to their true and ultimate level. Lord Lyttelton, one of our most accomplished scholars, has thus spoken from the very place which I now less worthily occupy:—

"With respect to classical teaching, or at least the teaching of Latin, I must say for myself that I am content to rest the argument for it on somewhat narrower ground than is often taken. I fully admit the force of the direct considerations in favour of classical knowledge, from the immortal beauty and the far-reaching importance of the literature to which it gives access. Still I must admit that when I consider the actual condition of literature as it is, and contrasted with former times—the immensity, the excellence, the value for culture, the practical utility of the literature of the last four centuries—to how great an extent, though no doubt far from completely, the benefits themselves of the classical learning may be attained through the modern languages—and when I consider the conditions of modern society, the multiplied demands on our time, the absolute need of much knowledge and information apart from the old learning, and to many, of the early acquisition of practical and business habits apart from books altogether—I cannot bring myself to the conclusion that in a literary and

instructional view the knowledge of Greek or even of Latin alone is indispensable to the higher classes, still more to those below them."

Compare with this passage what Dr. Parr, of this very city, wrote to Mr. Berry, in 1819:—"Away with your coxcombical prattle and your sectarian impatience about Greek choruses! Get Seale's little tract upon metre; you may read the whole with your boys. But work them night and day with trochees, iambics, and anapæsts, and make them understand the names and the properties both of the simple and the compound feet. If you possess Heath's 'Notes upon the Greek Tragedians,' you may read with your boys what he says. But again I tell you to keep close to iambics, trochees, and anapæsts. At some future time read with them four or five times the admirable rules which Porson has laid down for iambics in his preface to the Hecuba. Read over with your boys the syntax of the Greek Grammar. . . . This will be sufficient for a year or two; but when they have made real advances in Greek prose, read over with them the whole of Vigerus, with every note of Hoogeveen and Hermann, and with the notes also of Zeunius. . . Mr. Berry, what I now recommend is really one of the most useful parts of education. You should make them read Vigerus in this way twice every year for five, six, or seven years. Pray, mind my detail. Moreover, to increase the stock of phraseology, let them read a good deal of Lucian, and make them consult their Vigerus. . . . After these things, your boys may proceed, if they please, to Herodotus and Thucydides. But do not meddle with them for many years. . . . Now, dear sir, I am going to meet your boys at the age of eighteen or nineteen, and mark me well. If they are diligent and clever, do you read over with them the whole, and I add the whole, of the Port Royal Latin Grammar, and advise them to read it themselves once a year for five or even six years. You cannot calculate the advantage of doing so till the experiment is made. There is another work which your boys, when they are seventeen or eighteen, should read. I mean 'Lambert Bos on the Greek Ellipsis.' Get the best edition, and with it get 'Palairet on the Latin Ellipsis.' You should also buy the last edition of 'Mattaire on the Greek Dialects;' and if your boys follow the advice I am giving, they will turn Mattaire's book to very good account when they are twenty-one or twenty-two years old. Parson Berry, make your boys good grammarians." These are but samples of directions which occupy six printed pages, and which are preceded by minute

time-tables for every day in the week of the course prescribed for the first, second, third, fourth, and fifth forms. With the exception of a portion of an hour each day to be spent by the first and third forms in reading English, of a weekly English exercise by the second form, there is not an hour from first to last which is not devoted to Greek and Latin—Latin and Greek—chiefly grammar! This curious document well deserves the study of those who are sceptical about modern progress in education, though it may make some sigh for the return of the good old times when, as Sidney Smith says, the occurrence of the flood, and the consequent shortening of the duration of human life, seem to have been forgotten!

Now, this change of sentiment is due far less to any depreciation of classics than to the higher estimate of the value of other subjects, even in those respects which have long been held to constitute the chief virtue of classical instruction. We hear much less than formerly of the impossibility of cultivating taste, and of stimulating thought and imagination by any other agency than that of classics. We hear much less disparagement of our own language and literature, as well as of science, on account of their alleged *utilitarian* tendency. It is now more commonly than heretofore admitted that it is less the subject than the spirit in which and the purpose for which it is studied that must be looked to for determining the mental, and especially the moral, influence of its study. Any subject may be studied for mean personal ends, or for its own sake and the pleasure of the labour itself. And it detracts somewhat from the disinterested character and essential nobility of classical studies that they have long been the passports to emolument in all the chief professions. Thus in the Church it used to be said that, next to ratting judiciously at the right time, the best title to a bishopric was the editing of a Greek play. Our distinguished President has said in his recent "Monographs": —"The prelates of the Church were many of them good scholars rather than theologians, and they rose to the Bench as often by an edition of a Greek play as by a commentary on the Scriptures. It is related of one by no means the least eminent, that he dismissed his candidates for ordination with the injunction 'to improve their Greek, and not waste their time in visiting the poor' (p. 272). And I have heard that immoderate study of even the Greek Testament has been deprecated, lest it should corrupt the purity of the student's Greek." It suffices to allude to law and medicine. When fewer golden prizes are attached to proficiency in classics, it

may be found that the study of them will be pursued with more disinterestedness and not less enthusiasm than now.

In France, however, M. Victor de Laprade, a most staunch upholder of classical instruction, does not hesitate to say in his *L'Education Homicide*, that if it were not for the enforcement of the bachelor's degree at the entrance to public service, all literary culture would be extinguished among the middle class, that parents and students are equally eager to suppress the studies themselves, and that many persons seek a diploma as an exemption from acquiring some instruction, as others wish for a decoration to save themselves the trouble of deserving it (p. 75).

Still I trust that though hereafter "classics" may less and less engross the time in any school, may be taught at a later period of life, and to a smaller number of our youth, whatever good they carry with them will be not less operative throughout society. If fewer be taught, more may learn; and if these begin later, they may learn all the more intelligently and therefore thoroughly.

COMMERCIAL INSTRUCTION.

In this eminently commercial country, it is at first sight not a little surprising that commercial instruction should rank so low. Doubtless it is not without some reason that the title "Commercial Academy" should suggest so much that is narrowing and depressing, and so little that is elevating or thought-inspiring, in education. Penmanship, arithmetic, especially the mercantile rules, and bookkeeping, with a modicum of geography, have formed the staple of most of such academies—unworthy namesakes of the ancient Academe. To Dr. Yeats of London belongs in large measure the honour of having in his own school at Peckham, as well as by his writings, done much to redeem commercial instruction from this quite unnecessary, if hitherto just, reproach. In four volumes which he has lately published, he treats succinctly, but clearly, fully, and most attractively—first, the natural history of commerce, its raw materials; second, the technical history of commerce, or its processes of manufacture; third, the growth and vicissitudes of commerce; fourth and last, recent and existing commerce. To these volumes I must refer you for the development of his plan. But at a glance it is obvious that the subject thus treated ranges over a very wide, and rich, and varied field, including as it does much of geology, botany and zoology, physical and political geography, mechanics and

chemistry and their applications, history, economics, and statistics. In the raw products of the earth, their characteristics, the artificial changes that they undergo, their geographical distribution, and their economic uses—in the history of inventions and discoveries made in the arts, the story of the rise and growth of commerce, and the principles by which trade is or should be regulated—an intelligent and a well-trained teacher must find ample materials for an education at once high, and wide, and deep, thoroughly practical and utilitarian in the best sense, yet fraught with moral lessons and intellectual stimulus. It is to be hoped that the five noble schools of the Edinburgh Merchants' Company, with their 5,000 pupils, will ere long lead the way in this direction, new to this country, though well-known on the Continent.

TRAINING OF TEACHERS.

Another movement the importance of which can hardly be overrated is that for the systematic training of teachers in the science and art of their profession. This needs no advocacy from me. It suffices to call attention to the facts. The College of Preceptors, which has done so much to improve middle-class education, has set the example of appointing a professor of the theory and practice of education, and their choice of a professor has been alike judicious and fortunate. Mr. Joseph Payne is not only a successful teacher of long experience, but a man of varied attainment, of enlightened and liberal views, an enthusiast in the work, well able to hold the balance between what is old and what is new. It is gratifying to know that his class in London, which has passed through two sessions, has been largely attended, though it is to be desired that more *male* teachers should show by their presence that they appreciate the opportunity of instruction thus afforded. The Educational Institute of Scotland invited Mr. Payne last spring to give four lectures on "Education" in Edinburgh. These were fairly attended, and it ought not to be omitted that the Governors of the Merchant Company Schools were wisely generous enough to present tickets to all their teachers, male and female, nearly 200 in number. In the energetically-conducted North London College for Young Ladies, Mr. Garvey, LL.B., has of late been lecturing on the "Principles of Education," &c. Mr. C. H. Lake is about to lecture on the same subject in the South London College, also for ladies. Mr. Garvey I regret that I do not personally know; but Mr. Lake I know well, and respect highly for his thoughtful zeal

and thoroughness. At the last meeting of the Educational Institute of Scotland, a memorial was presented from the Northern Counties Association of Teachers, and this well deserves to be read and put on permanent record:—

The Northern Counties Association of Teachers being deeply impressed with the importance and necessity in the future of the training of all teachers in the Science and Art of Education, and of early efforts being made by the profession for that end, beg respectfully to direct the attention of the Educational Institute of Scotland to the subject.

In the past there has been no professional training for teachers as a class. The Normal Colleges have been taken advantage of only by a small proportion of the whole body of teachers. These Colleges have been provided and upheld by certain Churches, which deserve the best thanks of the profession and the country for their honourable efforts in this important and neglected field. Such training, however, has not been, and is not, commensurate with the needs of the profession, and has not been placed on a broad enough or high enough basis.

The Association are unanimously of opinion that professional training in the Theory and Practice of Teaching should be provided in connection with our Universities. This would provide training for all classes of teachers, and be of sufficient status and breadth to command the attendance of all. It would educate the profession, as it ought to be educated, on the same platform as other professions, and amidst the same elements of higher learning and culture. It would be one of the best and surest means towards making what they ought to be the education, status, influence, and emoluments of the teacher.

Such professional University training, to be complete, should, in the opinion of the Association, include the following elements:—

1. A Professor of Education, who would give a full course of lectures on the Science and Art of Teaching.
2. A Training College, in which a staff of lecturers would give instruction in subjects that are not included in the University curriculum, but are necessary for the complete education of the teacher.
3. A Practising School, with the very best appointments in class-rooms, furniture, and apparatus, under a competent Head-Master, with a full staff of assistants, in which the best practice of the art of teaching would be carried on, and in which would be afforded every opportunity for the efficient practical training of the future teacher.
4. An Educational Library, Museum, and Reading-room, with a full collection of all works on education and of all educational apparatus and appliances, similar to the Educational Department in Kensington Museum.

The Association being also of opinion that the initiative in this work, so important to the profession, *should be taken by teachers themselves*, beg therefore to suggest to the Institute that they should appoint

a Committee to agitate the subject, and raise subscriptions from teachers in all parts of the country, to endow a Chair of Education in one of our Universities. They are convinced that this could be easily done within a short time, if prosecuted with the vigour that the importance of the subject demands; and they are sure that such practical action on the part of the profession, showing such determination in teachers to help themselves before asking external aid, would be the best means of evoking that aid which will be necessary for the establishment of such Chairs in all our Universities.

The Association think that the importance of the subject cannot be over-estimated, and have every confidence that it will command the best attention and the best efforts of the Institute and of the whole profession.

Inverness, June 7, 1873.

Even if this special project be not successful it will do much to hasten the establishment by other agency of such professorships in one or more of the chief Scottish Universities, which have at hand the advantage of a suitable number and variety of schools. In Mr. Jolly's report, already quoted, this subject is effectively treated, and I doubt not that to him in great measure is due the origination of the memorial from the North.

The National Society for the Improvement of the Education of Women proceeds with energy and some success, at least in London, where two schools have been established; and the Ladies' College has now been removed from Hitchin to a permanent building near Cambridge. May it flourish under its new name—Girton College.

I feel it a duty in this place urgently to call attention to the recent suggestions and inventions of Dr. Liebreich, the eminent oculist in London. Struck with the increase of shortsightedness and other defects of vision in Germany, he has traced the evil in great part to the ill-constructed desks and benches used in schools, and to the neglect of teachers to enforce the right position of their pupils when they write or draw. To the same cause he refers the prevalence of distorted spines, especially in girls' schools. He has succeeded in devising desks and seats which secure the right position, and specimens of these are now on view in Norwich Drill Hall. Dr. Liebreich anticipates that the very extension of schooling now in progress in Great Britain will, without due precautions, have the same evil results as he has observed in Germany.

TEACHERS AS SCHOOL INSPECTORS.

It is to me no small gratification to observe that teachers are at last beginning to assert their claims to the office of

School Inspectors. To me I confess it has long been a marvel, not merely that so few practical teachers have hitherto been selected for this duty, but rather that persons of any other class should be selected at all. I mean no disrespect to the many intelligent inspectors who have managed to equip themselves for this work by experience gained after their appointment; but I do not hesitate to say that to appoint as inspectors of primary schools young men fresh from college, who have never, it may be, entered a primary school in their lives, and to require them to report on the teaching of men greatly their superiors in practical experience as in age, and it may be even in knowledge, if not in what is called scholarship, is a monstrous injustice and absurdity. An inspector is an *episcopos* or overseer. What would our working clergy say if their bishops were in every case young men who had just taken their B.A. degree, and never held even a curacy? This supposition is not so absurd as the case with which I am now dealing. Instead of laying down 35 years of age as the maximum beyond which no one is to be appointed, I would make that the minimum age, if there is to be any limitation of age whatever. An inspectorship ought in every case to be the reward of faithful and successful labour in the teaching of primary schools. Men so qualified would from the outset command the respect and confidence of their fellows, while the hope of such promotion would give a needful and healthful stimulus to the whole body of teachers throughout the land. But teachers are not gentlemen, forsooth! Whose fault is that, if the fact be so? The poorest curate in the church may be, and commonly is, a gentleman, because he holds an office which is respected, and which entitles him to associate on equal terms with the highest. Give to teachers a similar position, with similar chances and prospects of advancement. Respect their office, and they will respect themselves, and deserve the respect of others. But our State-rulers in education, who divide their attention between the cattle plague and the school plague, seem to think it possible to improve schools without improving the condition of the teacher; and the Government only reflects the popular ignorance, apathy, and perversity in this matter. In a recent exhibition of the Royal Academy I observed a picture of a school examination. An elderly man, a teacher, stands with a look of despair in his face, while a very youthful clergyman, seated with his hat on, questions one of the pupils, and seemingly puzzles and bewilders him. This is a true picture, which holds the mirror up to fact, if not to nature. We pride ourselves on being a practical people, and are thankful that we

are not as these volatile Frenchmen—these dreamy Germans. Yet in education our arrangements are in important respects the very acmé of unreason.* In primary schools we appoint as inspectors of teachers young men who are not even novices in teaching, thus dooming the working teacher to a perpetual inferiority and humiliation; and in our secondary schools, where a man has earned renown as a schoolmaster, we make him a bishop, and remove him altogether out of the profession, as if it were no longer worthy of such a man. Teaching is probably the only profession in which (pardon the Bull) the chief promotion attainable is out of it.

There are other points of which I would gladly speak were it possible, such as the greater attention now paid in schools to drawing, which, as I think, ought to be taught as universally and as carefully as writing, and to music, vocal music, which again ought to be as universally taught as reading aloud. Besides their other uses, both are parts of that general æsthetic culture which will yet do much to enliven and adorn the homes of even the poor. On this subject I would earnestly refer you all to the most admirable report of Mr. Jolly, which I have twice already cited.

MIND AND BRAIN.

I must now conclude by the briefest reference to one matter of which the educational importance ought to strike us all. M. Paul Broca (says the *Lancet*), in a paper read before the *Société d'Anthropologie de Paris*, publishes a series of researches he made some years ago upon the relative size of the heads of the *infirmiers* and of the *internés* of the Bicêtre. He gives a series of comparative measurements, which he contrasts with those obtained some years ago by Parchappe; and he believes he has demonstrated that, on the one hand, the cultivation of the mind and intellectual work augment the size of the brain; and, on the other hand, that this increase chiefly affects the anterior lobes, which he regards as being the seat of the highest faculties of the mind. "Education," he remarks," does not only render man better, and enable him to make the best use of the faculties with which he is endowed, but it possesses the power of making him superior to himself, of enlarging his brain, and perfecting its form. Thus, those who insist that

* Our educational appointments may well remind us at times of a story told by Lady Morgan. "The Duke of Wellington has been made Chancellor of Oxford. Our Archbishop of Dublin demanded an audience of Lord Wellesley—'I come to demand a troop of horse, my lord.' 'For whom?' 'For myself!' 'Oh, I see.'"

education should be given to all have both social and material interests to support them; but if the brain really enlarges with education there is an additional motive—the evolution and development of the human race."

Thus what the phrenologists fifty years ago were ridiculed for asserting is beginning to be acknowledged by men to whom the world must listen with respect. Further, we have the researches and the speculations of Mr. Herbert Spencer, Dr. W. B. Carpenter, and others, to the effect that qualities and powers and tendencies, which training develops in some of the lower animals, are likely to become instinctive in the following generation. Man is no exception to this rule; nay, he is the highest and fullest exemplification of it, if we allow for the many disturbing causes which do not invalidate the principle though they complicate it, and render difficult the observation of its working. Such views ought to be welcomed by the friends of education, for they rebuke discontent with the present, and convert hope for the future into expectation. They encourage us to look not merely to the individual but to the race; and enable us in the passing seed-time to anticipate joyfully a distant but bounteous and surely-coming harvest.

Address

ON

HEALTH.

BY

CAPTAIN DOUGLAS GALTON, C.B., F.R.S., Assoc. Inst. C.E., &c.,
Director of Works and Public Buildings.

IT appears to have been the custom for the President of this Section, in his address, either to take a general view of some feature of recent sanitary progress, or to discuss some aspect of sanitary legislation.

In the present unsettled state of the question respecting sanitary areas, and the relative position of local and central authorities, it will, I think, be desirable to direct the remarks which I propose to make on English sanitary procedure on this occasion to the practical question of the extent to which in general Building Acts sanitary arrangements can be advantageously provided in house construction.

But before entering on that subject I shall select, from a field of sanitary progress which has not yet been brought before this Association with the degree of prominence which it deserves, a few illustrations of the influence of that class of external circumstances bearing on the production of health and disease which more immediately concern the engineer and the architect.

There are two aspects under which the sanitary question may be considered: the one the scientific, under which attempts are being constantly made to account for phenomena of disease by fungi, disease germs, or other similar unknown agencies; the other the peculiarly practical one, based upon the careful observation of facts and phenomena, and on the experience resulting therefrom.

As practical sanitarians, having to deal with facts and having to save life by means which always require a large expenditure of money, we may advantageously leave the theories on one side, and limit our consideration to the incontrovertible fact that those diseases called zymotic—viz., fevers, cholera, dysentery, plague—are liable to attack us when putrefying organic matter passes into our system either with the air we breathe, the water we drink, or the food we consume.

Preventible diseases arise in a great measure from a number of persons being collected into confined spaces, without adequate arrangements having been made for the due removal of noxious matters which are being continually thrown off from the human body, and frequently from the occupation of sites where organic substances have been left to stagnate and decay.

Disease used to follow armies to the field, and has since followed the miners to the gold-diggings, because in both cases every sort of filth was allowed to accumulate and putrefy around their camps, and probably to pollute their water supply. The native Australians, by some supposed to be the lowest of races, do not suffer, because when their tribes remain for more than a few days in one place they bury their excrement, with an instinctive knowledge scarcely yet possessed by the most civilised races.

Dr. Murchison's admirable work on Continued Fevers, the Reports of the Board of Health, and the Transactions of this Association furnish numerous illustrative facts. Instead of dwelling upon these, I will illustrate the influence of engineering and architectural appliances in the prevention of disease by a brief reference to some of the results of the experience of the Army Sanitary Commission, with whose proceedings I have been connected since its first establishment.

The Army has long afforded a school for sanitary teaching. Sir John Pringle, above one hundred years ago, in his Observations on the Diseases of the Army, most fully recognised the effect of physical laws on the health and life of the soldier, and he showed that the sick and wounded recovered best in places from which fresh air could not be excluded.

He pointed out that districts where the wells are shallow are unhealthy for camps; that soldiers on the march should not remain more than twenty-four hours in the same locality, so as not to be exposed to the evils arising from the accumulation of filth.

Early in the present century a fever broke out amongst the Royal Horse Artillery at Woolwich, which was clearly traced to the custom the soldiers had adopted of rolling up their bedding every morning immediately after they left their beds; and thus the organic matter given off from their perspiration had been confined each morning in the sheets, instead of being allowed to evaporate, and had putrefied.

These and many similar experiences did not immediately produce fruit.

The Army consists of selected lives taken from the most healthy part of the population.

From 1837 to 1846 the death-rate of infantry of the line at home per 1,000 was as follows:

Zymotic Diseases.	Chest Diseases.	All others.
4·1	10·1	3·7

The comparative death-rate of the civil population per 1,000 between the ages of 15 and 45 years was,

Zymotic Diseases.	Chest Diseases.	All others.
2·0	4·5	3·3

Lord Grey in 1845 issued regulations for the increase of the cubic space to be allotted to each man in barracks, and directed especial attention to be paid to tropical stations; but the regulations as to cubic space remained practically a dead letter.

The sanitary experience of the Crimean War rudely awoke the nation to the necessity of sanitary reform in the Army; and Sidney Herbert, afterwards Lord Herbert of Lea, was the first Army administrator who really appreciated the fact that it was useless to frame rules unless he created at the same time an administrative machinery adapted to see that the rules were put in operation. In conformity with the recommendations of the Royal Commission on the Sanitary State of the Army of 1857, his first step was to remodel, with improved position, prospects, and pay, the Medical Department of the Army; he established a medical school in which the laws for the prevention of disease were to be as much studied as curative medicine. He made it the pride of the Army medical officer so to watch over the sanitary condition of men committed to his charge as to show a small number of sick. The sanitary improvement of barracks was a question of detail; hence Lord Herbert committed the duty of specifying in detail the sanitary improvements required in each barrack and military hospital to a small special Sanitary Commission. They inspected every room in almost every barrack in the United Kingdom, and every place where organic matter could fester and putrefy either in or around barracks and hospitals. They examined the water supply and the means of cooking, and specified the manner in which each defect was to be rectified.

The defects they found may be summed up as follows: There was overcrowding, bad ventilation, no proper warming of the rooms; the means of cooking were very imperfect. There were few or no good lavatories, the drainage and privies were abominable, the water supply was not good, and the accommodation for the wives and children of married soldiers was as a rule execrable.

They introduced the requisite improvements into existing barracks, military hospitals, stables, &c.; and they devised plans for new barracks and military hospitals, for married soldiers' quarters, schools, and wash-houses and stables, on healthy principles of construction.*

The following is the result of this labour:

In 1871 the death-rate per 1,000 of the infantry of the line at home was,

Zymotic Diseases.	Chest Diseases.	All others.
1·2	3·3	3·6
against	against	against
4·1	10·1	3·7

prior to 1846; that is to say, that those diseases which may especially be called preventible diseases have been diminished from 14·2 to 4·5 per 1,000; or, to express it in another way, if we reckon our army at home at 90,000 men, nearly 1,000 men in each year remain alive who would have died under the former unhealthy system of barrack construction and conservancy, and the proportion of men permanently in hospital is largely reduced.

The amount of disease among infantry at home is now less than that of the civil population of comparative ages; but, as I have already observed, the soldier is a selected life from the most healthy part of the population, and we must not be satisfied until a better result has been obtained.

The amount of zymotic and chest disease is still much too high. This indicates that the soldier still suffers from over-crowding, from defective ventilation, and from the presence of putrefying organic matter. It is possible that this higher death-rate may arise from want of sufficiently detailed superintendence of the ventilation and allotment of cubic space, and of the arrangements now introduced for the conservancy of barracks. The medical officers of the Army are its health officers; and it is therefore in their power to reduce the death-rates, because no reasonable report that any Army medical officer makes on the subject of the sanitary condition of the soldier can fail to be attended to.

Close attention to the removal of sanitary defects from the

* The members of the Commission were the Right Hon. Sidney Herbert (since dead), Dr. Sutherland, Dr. Burrell of the Army Medical Department (since dead), and Captain Douglas Galton, R.E. As the work extended, certain official members were added, viz., the Quarter-Master-General as President, the Deputy-Director of Works for Barracks, two members representing the India Office, a representative of the Army Medical Department, and a representative of the Local Government Board.

barracks in our colonies has similarly been attended with beneficial results.

The Army Sanitary Commission inspected the Mediterranean stations, and advised generally on the sanitary improvement of all foreign stations. Two very illustrative cases are those of Gibraltar and Malta. The death-rate at Gibraltar from 1818 to 1836 had been 22 per 1,000; it was reduced by improvements effected between 1837 and 1846 to 13·58 per 1,000, of which 3·5 per 1,000 arose from fever. The water supply used to be derived chiefly from the winter rain stored in tanks by each householder, or from water carried in small barrels in carts or on donkeys from wells outside the fortress. The fæcal matter passed into large drains which ran straight down at a steep incline from the upper parts of the town to the lower level, whence they continued with scarcely any fall through the lower parts of the town and the fortifications into the sea. The fæcal matter was carried from the closets of each house into the drains by such water as could be spared during the summer months, and lay there until the winter rains came; these carried it down to the lower level, where part remained to putrefy and part passed on into the sea, where it mixed with the salt water opposite the line wall and caused a fearful stench. A considerable number of the soldiers inhabited casemates devoid of ventilation situated in the lines of fortification close to the mouths of the drains. In 1861, the Army Sanitary Commission, after their inspection of the station, recommended important changes in the sanitary administration both of the garrison and the town. A Local Board of Health was created; a good supply of water has been obtained, the drainage has been intercepted from that part of the town opposite the line wall, and carried to a point in deep water at a distance from the town where there were no habitations. The result of this, and of the provision of additional barracks, and of other improvements, has been that the death-rate in 1871 was 5·87 per 1,000, but of this 2·0 per 1,000 was from fever. There are still casemates occupied as barracks which should only be permitted to be occupied during a siege; but with the present strength of the garrison these cannot be vacated until additional barracks shall have been built. Sanitary improvements are also still required in barracks situated outside the town. When this has been done we may safely predict a permanently reduced general and fever death-rate. At Malta, on the other hand, the town drainage is still eminently defective. Large, deep drains cut in the soft, porous rock run down to the sea; but the sides absorb much of the sewage which would otherwise carry away the

fæcal matter, and this is consequently left to putrefy and stagnate in the drains. The water supply, although better than that at Gibraltar, is not sufficient. Many of the barracks were intended originally to be used only as storehouses, and are not fit for barracks. From 1837 to 1846 the death-rate was 19·36 per 1,000, of which 6·8 per 1,000 arose from fever. All the improvements which could be effected in the barracks themselves were introduced; but in 1871 the death-rate was 12·26 per 1,000, of which 5·42 arose from fever. The drainage, which is in the hands of the Local Government, remains unimproved, and, whilst contributing to the bad health of the garrison, must be a serious cause of danger, especially during epidemic seasons, to the health of the rest of the inhabitants, and of injury to the commerce of the island from quarantines.

The evidence collected by the Army Medical Department respecting Colonial stations shows that, whatever may have been the influence of climate, the neglect of known sanitary laws and the creation of causes of disease through our own want of intelligence had become the principal elements in the destruction of our troops. I will mention two instances.

In order to provide a healthy station at Jamaica, an elevated site from 3,500 to 4,000 feet above the sea level, at a place called New Castle, was selected for barracks. It was situated on the crest of a spur of land falling rapidly from the Blue Mountains southwards towards the deep, damp valleys and ravines filled with tropical vegetation which connect the range with the lower country. The sides of the ridge slope down at angles of 40° and 50°. The surface was clay mixed with vegetable matter. The ridge is so narrow that the huts were placed on terraces cut out of the slopes of the hill with but a few feet of space between the back of the hut and the soil supporting the terrace above. Even in temperate climates such a position contributes to fever. The result was that in the yellow fever epidemics in 1856 and 1867, those huts, which were so placed that the malaria blowing up the valleys must necessarily strike them, yielded a large percentage of yellow fever even at this high elevation. Besides this cause, the overcrowding of the huts, and the imperfect removal of filth and nuisances from the ground adjacent to the barracks, contributed to their unhealthy condition. Many of these defects have recently been remedied.

Free Town in Sierra Leone has been long quoted as a most pestilential climate. It is situated on low ground close to the mouth of a tidal estuary. Tower Hill, on which the barracks stand, rises to a height of 400 feet immediately to the S.E.,

and the sea breeze is cut off to the S. and S.W. by a range of hills at no great distance from the town.

The estuary is subject to damp fogs; the rainfall is 140 inches in the year; much vegetable débris is brought down by the river, and adds to the unhealthy character of the site. It is a tropical malarial site, but capable of improvement, and where every sanitary precaution would be expected to be found in force.

But, though nature has contributed much to the unhealthy character of the site, human efforts seem to have contributed more. Down to a very recent period there was no drainage, no house cleaning; filth of all kinds was flung into cesspits, or heaped up in court-yards, or scattered on the surface; and where there were hollows or ditches, they contained green, putrid water. The water supply was from shallow wells; and well water from so polluted a subsoil is a most efficient cause of disease. Recently an enlightened Governor of the colony* has renewed attempts, formerly made and then intermitted, to remedy these defects.

The sanitary administration of India is also of a recent date. In old times the deaths of the European Army in India averaged 69 per 1,000. In 1854 the British Army in India numbered little over 20,000 men, but it now numbers about 62,000 men. A death-rate of 69 per 1,000 means, therefore, the reduction of that army by 4,278 men a year by death, but it also means the loss of at least an equal number of men who are sent home as invalids, and whose places in their regiments, just as much as those of the men who die, have to be supplied by fresh recruits from England; it means, moreover, the diminished efficiency of many times that number by sickness. The nation could scarcely permanently have supported this loss and waste of human life and human energy taken from the flower of the population.

A classification of the causes of death shows the following result. I take the returns from Bengal from 1830 to 1845; in these the death-rate per 1,000 averaged:

Zymotic Diseases.	Chest Diseases.	All others.
58·0	3·0	6·0

Thus the climate was not unfavourable to chest diseases, but the lives and the efficiency of the Army in India were being destroyed by removable causes of far greater intensity than any in operation at the home stations.

---

* Mr. Pope Hennessy.

In 1859 a Royal Commission was appointed to enquire into the cause of this enormous death-rate. Lord Herbert was its president, and on his retirement the present Lord Derby succeeded him.

The very interesting Reports of this Royal Commission were brought to the notice of this Association in a paper by Miss Nightingale in 1862. I will quote a paragraph of that paper:—

'Your stations and cities are in a condition which, in the finest temperate climate in Europe, would be—have been—the cause of the Great Plague—of half the population being swept off by disease.' 'You complain of the climate;' but 'your cities and stations . . . . . are the life destroyers, not the climate.' 'The hills—those very climates to which you look for succour—are becoming pestiferous from your neglects.'

Improved sanitary administration in India began in 1859–60, while the enquiry of the Royal Commission was still in progress, for little had been done previously. As soon as the Report was presented, Commissioners of Health were appointed for each Presidency; and these have been placed in communication with the Army Sanitary Commission at home, who, as often as required, have forwarded to the India Office statements of principles of general application which should govern the construction of barracks and hospitals, sanitary administration, and conservancy, as well as detailed recommendations on specific points; the local authorities being left to their own responsibility in applying them.

The results at present obtained may be briefly summed up as follows. In 1871 the death-rate per 1,000 of the English Army in Bengal averaged 17·8, classed as follows:

Zymotic Diseases.	Chest Diseases.	All others.
8·8	3·0	6·0

These figures are from the Report of the Sanitary Commissioner with the Government of India for 1871, and they represent an actual saving of life, over the old death-rate, to the extent of 51 per 1,000, or, on an army of 62,000 men, of 3,162 men a year, besides an enormous diminution in sickness and consequent inefficiency and suffering. But there remains a death-rate of 12 per 1,000 of preventible diseases—a death-rate which is still far too large; and, as pointed out by the Army Sanitary Commission, it is one which of itself indicates the presence of causes of disease which may at any time increase in activity. They did so increase in 1872. In that year the death-rate in the Bengal Army was raised simply by

super-added cholera deaths, whilst the death-rates of Madras and Bombay remained much as they were in 1871; thus evidencing the need of increased vigilance in sanitary work at the worst epidemic stations.

The improved health already obtained for the Indian Army has been mainly due to the exercise of greater care in surface drainage, in the removal of the surface filth, in improved latrine arrangements, in the prevention of the contamination of existing water sources, and to having given the soldier better-ventilated rooms and healthy occupation. It is worthy of remark that the healthiest men in the Indian Army are those engaged on road-making.

These are matters under the jurisdiction of the military authorities and within the scope of military expenditure. But a military station in India is universally accompanied by a native village or bazaar, or is situated in the vicinity of a native town. The surface of the ground in and around the villages and towns is covered with filth of every kind. The water supply is derived from streams, wells, and tanks. The streams are used as receptacles for excrement; the tanks are used for ablution and bathing. Wells were found to contain impurity derived from the foul subsoil and fouler adjacent surface, and they, as well as tanks, frequently formed the receptacles for dead bodies. Cattle were kept in the villages in the most filthy condition, and the milch cows for the supply of milk and animals intended as food for the troops are even now still largely fed on human excrement or horse dung.

Further progress in the diminution of the sick and death-rate of the Army in India depends, to a large extent, on the sanitary improvement of towns and villages, and requires the expenditure of money to be derived in part at least from the local civil population. The first step taken in this direction was the issue by the Government of India of cantonment regulations and the passing of a General Municipal Act. By it sanitary administration has been placed in the hands of municipal authorities with their engineers and health officers; of cantonment committees consisting of military, civil, medical, and engineering officers, of local magistrates, and of existing village authorities; and over all as inspecting officer and reporter is the sanitary commissioner of the district. There are eight of these districts: viz., Punjaub, North-West Provinces, Oudh, Bengal, Central Provinces and Assigned districts, Madras, Bombay, and Burmah; and at head-quarters is the able sanitary commissioner with the Government of India, Dr. Cunningham, who reports annually on the whole subject. A census has been taken, and the

registration of births and deaths and the causes of death is being enforced. Municipalities are now engaged in sanitary work in many large cities and towns. Drainage is being advanced, improved water supply provided, cleansing and removal of filth more systematised and efficient. In a great number of villages (in India villages are numbered by tens of thousands) local sanitary works of a simple but efficient kind—such as improving surface drainage, surface cleansing, removal to a distance of excrementitious matters, digging fresh wells and improving existing wells—are being carried out. The water has been analysed from a vast number of the water sources for the supply both of the troops and the civil population in all parts of India. The pure sources may now be separated from the impure, and a large amount of valuable scientific as well as sanitary information regarding Indian waters has been collected.

The jails have been improved in construction; the sanitary condition of the old jails has been placed under regulation; and consequently the death-rate—and especially the deaths from cholera in Indian jails—have shown a most striking diminution in late years. The experience of the results of jail improvements, formerly realized in England, has been reproduced in India, thus affording one of the strongest practical proofs of the possibility of improving public health throughout the country by following known methods.

It will be seen that very considerable progress has already been made in the introduction of sanitary administration and work all over this vast empire, and the diminution of cholera during recent years is a noteworthy concomitant. The medical officers of the British and Indian Armies have largely contributed to these improvements by their knowledge and zeal. Very much, however, remains to be done before the normal death-rate shall have been reduced in India to the extent we may reasonably expect, and especially the death-rate from epidemic disease.

A few facts selected almost at random from the Reports of sanitary commissioners of districts will illustrate the almost herculean labour which has to be performed. For example, the Sanitary Commissioner of Bengal has to watch over the sanitary wants of a population of 69,000,000; the Sanitary Commissioner of the North-West Provinces superintends a population of 29,500,000; that of the Punjaub nearly 17,500,000; Oude has about 11,000,000; Central Provinces, 7,250,000; British Burmah about 2,000,000; Madras, 24,500,000; Bombay, 64,250,000. In Bombay there are 50,000 villages and hamlets to be improved. In the Central

Provinces one single epidemic of cholera covered a district containing no fewer than 30,000 villages.

At Delhi the troops suffered from a disease termed the 'Delhi Ulcer.' It was found that the water from all the wells from which the troops and population derived their only supply was largely contaminated, partly from the polluted subsoil, partly from extraneous substances and dead bodies which had been thrown in. Thus Delhi required an entirely new water supply.

Peshawur derived its water supply from the river Bara. The source could not be complained of; but the water was conveyed from the river to the station in cuts exposed all along their course to all kinds of nuisance from the native population, which thus became mere foul ditches, extending for miles within the cantonment, infecting the air and earth, as well as the water used by the troops.

At Meean Meer two wells were only 118 feet distant from cesspits from 50 to 60 feet deep, which contained the accumulated filth of eleven years. In 1861 there was an epidemic of cholera, which destroyed 24½ per cent. of the troops. These cesspits were abolished, and in two succeeding epidemics the death-rate was but 5 per cent.; still an enormous mortality, but one likely to be exceeded from time to time until the results of past errors have ceased to exist.

Murree is a sanitarium 7,000 feet above the level of the sea. It is said to be the cleanest of the Punjaub sanitaria. The water is from springs in watercourses, which serve as drains and sewers for the population. One principal water source is a tank described as situated in a watercourse, which acts as the drain for many large houses, and into which the refuse of stables, latrines, and cookhouses was discharged.

Simla, selected as a summer residence for the Governor-General, is from 6,500 to 7,000 feet above the sea. The water sources are in ravines which serve as surface drains and sewers, which are hourly liable to disgusting pollution. One source is specially described, where the water bubbles out of the rock over an area of eight square feet, and about it there was a compost of fæcal matter, bones, and refuse, which was being gradually worn away by the current and carried into the reservoir for distribution to the residents in the usual way—viz., by being carried away in dirty water skins. Steps have recently been taken to remedy some of these defects.

Calcutta and Fort William afford striking instances of the success of sanitary measures. In this great city there was formerly no conservancy; the surface was polluted with every sort of filth, slaughter-houses were scattered over the town

without any means of disposing of the refuse. The water stood at a few feet from the surface, and the supply was from wells contaminated by the impurities in the subsoil, or from the river, unfiltered.

Until recently there has been no general registration of the deaths of the native population; but in Fort William, where the military are stationed, the mortality during ten years preceding 1856 averaged 102 per 1,000. Calcutta has recently received a pure water supply, and a scheme of drainage has been initiated to be applied to irrigation. A large part of the city has already been drained, though much remains to be done to complete the drainage system; for instance, long lengths of filthy ditches are still kept open by private native proprietors, who will not incur the cost of substituting covered drains in connection with the main sewers.

As a consequence of the improved drainage, the level of the subsoil water in Calcutta has been lowered, and it is now from 12 to 14 feet below the surface. The water supply amounts to about 6,000,000 gallons a day; but the volume of water discharged from the sewer is stated to be at least from four to six times that amount, and it would appear that a constant current of water flows through the soil from the river to the drain, removing in its course, with the assistance of a large rainfall which also flows through the soil, much of the former sewage pollution of the subsoil itself. The conservancy of Calcutta has been also improved, and the slaughter-houses have been removed from the town. The result of these improvements and of others at Fort William is that sickness in the garrison has been much reduced, and the death-rate in 1871 was only ten per 1,000.

In Calcutta the result has been a great diminution of the general death-rate in the town, and especially of the death-rate from cholera. In the four years from 1865 to 1868 the cholera death-rate averaged 4,600 a year (the highest being 6,823, the lowest 2,268); in 1871 it was only 800, liable, however, to increase in any augmentation of epidemic intensity, until its local causes have been removed. The deaths from zymotic diseases in Calcutta for the four years from 1865 to 1868 averaged 13,406 per annum, whilst the deaths from the same disease in 1870 and 1871 averaged 6,875 per annum. Though much has been done, much yet remains to be done; and, until the houses are supplied with proper drainage and a proper water supply, the lives of the natives will be at the mercy of epidemic during periods of greater intensity.

Large districts of India present a field of special interest

SAN FRANCISCO

to the sanitary engineer. A malaria fever has long prevailed in the Burdwan district. In 1872 it was stated that almost every human being living in the district was suffering from it. The public officials were completely prostrated; the police, if fit for duty one day, were laid up for five or six. Households were without servants; the municipality without scavengers; the criminal tended the constable in whose custody he travelled; whole villages were prostrated and suffering from the debilitating effect of the fever. The population of the town of Burdwan has decreased from 46,121 to 32,687 in three years. The subsoil water of the district stands within a foot of the surface, and the drinking water is impure. Relief from the fever can only be looked for in an effectual lowering of the subsoil water by means of a comprehensive scheme of drainage of the district; and it is understood that a scheme is contemplated by the Indian Government.

In numerous villages in the Delta of the Ganges fever prevails endemically from causes as much within the control of the engineer as those which caused the ague of the Essex marshes, now fortunately a thing of the past. The locality is flat and low, with a water-logged subsoil. The tanks and watercourses contain stagnant, putrid water in the vicinity of dwellings. The broken ground around villages is full of holes and cesspits, and surface-cleaning is unknown. The villages are enclosed with a profuse growth of jungle in a deep, rich, uncultivated soil. The drinking water is stagnant and unwholesome.

A drainage outfall should be selected to enable the corrupted water to be removed from the surface and the water level to be lowered in the subsoil. Pure drinking water should be provided. The land around the villages should be cleared from jungle and properly cultivated; for in a country such as Bengal, where vegetation is rank and active, cultivation of the cleared land is an essential sanitary necessity.

Pilgrimages and fairs in India were formerly important foci of disease. These large assemblages are attended by hundreds of thousands of persons. They remain encamped for many days in crowded huts. The adjacent ground and watercourses became a mass of every sort of filth; and, as a consequence, a large fair or a pilgrimage generally formed the precursor of an outbreak of epidemic disease.

The Indian Government have now placed pilgrimages and fairs under sanitary regulation. Surface-cleanliness and a pure water supply is enforced. I will give one instance of the results. In Oudh, at Masickpur, a fair of 125,000 persons was held whilst cholera was very severe in the district. Good

water was supplied, and strict sanitary supervision maintained. The result was an entire absence of cholera at the fair.

The efforts of the Army sanitary reformers to ameliorate the health of the Army in India awoke the interest of the Indian Government to the condition of the health of the native population, and they have thus opened a vast field of work to the sanitary engineer.

At present, indeed, the outskirts only of the question have been touched, but the reports of the several Health Commissions show signs of hopeful progress; and there can be no doubt that, if the Government of India continue to exercise that detailed care over sanitary matters that it has recently put in force, every year will show marked progress.

Before leaving the subject of India, I will mention one observation contained in the report of Dr. Cunningham, the Sanitary Commissioner with the Government of India, which relates to cholera. The Army Sanitary Commission, impressed with the admirable field which India offered for the close study of this disease, arranged with the Government of India for a detailed inquiry, based on the collection of facts, to be made into the origin, nature, and spread of the disease. This inquiry is still in progress; but Dr. Cunningham observes: 'In reviewing the statistics of the general distribution of cholera in 1871, it is impossible to ignore the fact that its prevalence has been confined to well-marked areas, as shown in the map; and there is certainly no evidence to support the theory that these areas have been in any respect determined by the facilities of communication, or in any degree influenced by human communication.' 'That practically the lesson taught by this epidemic is the same as that which has been taught by every other epidemic—that the cause of cholera is as yet shrouded in very impenetrable darkness, and that the best means of prevention are sanitary improvements.'

The sanitary defects in India which I have enumerated appear very serious; but when we look at home we find sanitary defects as glaring in this country, where there is less excuse for them. A brief allusion to some of our sanitary shortcomings at home forms an almost necessary prelude to the question of the sanitary provisions required in General Building Acts.

Dr. Simon, the head of the Medical Department of the Local Government Board, stated recently that the deaths which occur in Great Britain are fully one-third more numerous than they would be if our existing knowledge of the chief causes of disease were reasonably well applied throughout the country. We learn that there is a yearly average of 120,000 deaths from

causes which may be termed preventible; and when we consider that the larger proportion of individuals attacked by these preventible diseases recover, and that a small proportion only die, it is oppressive to think of the enormous amount of human suffering and waste of human life which these figures represent.

It is impossible in the question of health for any one member of a community to separate his interest from that of his neighbours. If he places his house away from others, the air which he breathes may receive contamination from the neighbouring district; the dirty water which he throws away may pollute the stream from which his neighbours draw their supply. When a population congregates into towns, the influence of the proceedings of each individual on his neighbour becomes strongly apparent.

The deteriorating effect of residence in towns has been frequently brought before the public by this Association. The Registrar-General has shown that an urban population of 8,250,000 persons living on 2,150,000 acres showed an average death-rate of 25 per 1,000; whilst a rural population of 9,750,000 living on 350,000,000 acres showed an average death-rate of only 17 per 1,000.

The number of the population which inhabits towns is largely increasing.

At the beginning of the century the population of the metropolis was 958,863; no other town contained more than 100,000 inhabitants, and only five of the principal towns exceeded 50,000 in population; but such has been the increase of town populations that in 1871 the population of London had reached 3,266,987, and there were above 40 towns with a population exceeding 50,000 inhabitants, of which 17 exceeded 100,000 inhabitants.

Dr. Morgan, in his able paper on the deterioration of races in great cities, shows that of the adult population of London 53 per cent., of that of Birmingham 49 per cent., of that of Manchester 50 per cent., and of that of Liverpool 62 per cent. were immigrants from the country settled in the town, and that the majority of the incomers were men and women in the prime of life.

The mortality in these four towns averaged 26 per 1,000 against 19 per 1,000 in the adjacent country districts; the mortality of persons under the age of 15 being 40·7 per 1,000 in these towns against 22 per 1,000 in the country districts.

The marriages in the city population were four times as numerous as in the agricultural counties, but the births in the

town population only exceeded those in the agricultural population by one-sixth.

In an enquiry not connected with sanitary questions, Mr. Francis Galton made a careful statistical analysis of the details of 1,000 town families and 1,000 country families selected from the town of Coventry and the adjacent agricultural population. The result shows that a town population supplies to the next generation only three-quarters of the number of adults supplied by an equally numerous country population, and that in two generations the adult grandchildren of artisan townsfolk are little more than half as numerous as those of labouring people who live in healthy country districts. In large, closely-built centres of population the ratio would probably be considerably increased against the town population.

For purposes of comparison the health of the country population may be quoted as superior to that of towns, but the standard of health in the country districts is far lower than it should be. Much, no doubt, has been done; for instance, ague, which was so common near London that James I. and Cromwell both died of that disease in London, is now almost unknown in that locality, and is of much rarer occurrence throughout England generally in consequence of improved drainage and agriculture.

Vast sums have been spent in the water supply of towns, and great efforts are being made to deal with the sewage. But the fact still remains that, with a large expenditure in these directions, there is scarcely a town which does not contain numerous foci of disease. There is scarcely a village which is not overflowing with sanitary defects. The Report of the Royal Commission on Agricultural Employment observes: 'The majority of cottages which exist in rural parishes are deficient in almost every requisite that should constitute a home for a Christian family in a civilised community.' We must raise the standard of health in our rural communities, and endeavour to approximate the health of our towns to that improved standard.

But were all measures of healthy construction and healthy conservancy adopted in houses and workshops in towns, there would yet remain atmospheric impurity as an important source of deterioration to the health of inmates of towns; and from this cause a town population must be less healthy than a rural population enjoying equally perfect sanitary arrangements.

Unfortunately, whilst we are ready to admit the desirableness of sanitary improvements, we are very averse to pay for them. The municipalities of most towns possess sufficient powers for

levying rates for sanitary improvements; but in many towns the local authorities neglect either to put existing powers into operation, or to obtain necessary new powers. Many private proprietors leave the sanitary defects of their houses and cottages comparatively uncared for.

The principal requirements are:—First, the immediate removal of organic matter from places where by putrefaction it can contaminate the air, the water, or the food; secondly, the supply of pure water; thirdly, the sufficiency of breathing space allowed to each individual.

In places where many dwellings are congregated together, these requirements may be classed under two heads, viz.:—First, those that are common to the community, such as the supply of good water, the removal of foul water, and the removal of refuse matter; and, secondly, those which immediately concern the individual householder.

Every step in sanitary improvement means the expenditure of money. This money must be provided partly by the communities who are benefited, under local rates; partly by the individuals who compose the communities out of their private resources. And since sanitary improvement is the result of the careful application of knowledge to matters of detail, and since the same object may be secured in more than one way, the persons who have to pay naturally expect to have a voice in the arrangements to be adopted.

For instance, wherever there is a congregation of houses, either in towns or villages, the disposal of the foul water becomes a question of vital importance to the community. Fouled water should never be allowed to stagnate in pools around human habitations, and every town and village should be provided with a means of removing the sewage, and passing it in a clarified condition into neighbouring streams.

In the removal of fæcal matter, the cleanest method is to resort to the use of water, both to deodorise and carry it away; but in some cases the dry systems may be preferred—that is to say, the use of boxes or pits for its reception, the application of earth or other material to deodorise it, and its removal by manual labour. This system still leaves us with the necessity of providing drains for the removal of fouled water and liquid refuse—foul enough to pollute our rivers, and sufficient in quantity to carry away the fæcal matter.

In either case we must provide for purifying the fouled water before it is allowed to pass away into streams or rivers. For this purpose many different methods have been proposed, all of which claim more or less to retain the fertilising elements

as manure, and to allow the water to flow away in a comparatively innocuous form. Each town or village is subject to local conditions which influence the choice of the process to be adopted. I would only observe that where the conditions admit of sewage irrigation, its application forms the most effectual means of purifying sewage and of obtaining from it all its fertilising properties; but sewage should be applied to land rapidly after its formation, and never allowed to stagnate on or in the land. Legislation cannot fix a precise mode of clarifying sewage for universal adoption. But there is now no want of knowledge of how to dispose of sewage. The law lays down the principle that the proceedings of one individual shall not become a nuisance to his neighbour; and if in the case of pollution of streams the courts of law invariably inflicted severe penalties, the pollution of streams by sewage would soon cease to exist.

The arrangements for the removal of refuse from a congregation of houses similarly become the concern of the community of occupiers.

So also with the water supply. Pure water is an essential element in the prevention of disease. Each town or village is subject to its own special conditions, and no absolute standard of purity for water can be laid down. Well water fit for drinking contains more or less of mineral or other matters derived from the soil. The water of rivers which have passed through towns is liable to contamination; but the question of its fitness for domestic use must depend on the volume of the river as compared with the volume of contaminating matter passed into it, and on the distance it has flowed since it received contamination, because running water becomes purified in its progress. All river water should be filtered before being used for domestic purposes, and it should be kept covered after filtration.

But if pure water is not otherwise procurable by the individual inhabitants of a town or village, it should be the duty of the local authorities to provide it out of rates.

It would carry me beyond the limits of this address were I to enter more at length into this branch of the question; I will therefore now pass to the consideration of those matters which more immediately concern individuals, viz., the healthy construction and conservancy of houses. It is difficult to lay down principles where everything is matter of detail; and the danger of legislation on matters of detail is, that if the law provides a minimum, it is liable to be considered a maximum of requirement, and thus to fetter further progress.

When houses are built for sale, the builder will as a rule

incur as little expense as possible in the construction. It is on this account that the Legislature long ago compelled the builders in towns, by means of Building Acts, to obey specific rules which regulate the strength of structures, and which provide to some extent against liability to fire.

Until recently those Acts have scarcely touched the question of the by far greater danger to the community which arises from want of sanitary precautions.

Most Building Acts of the present day contain regulations as to the use of cellars as habitations; they specify the height for habitable rooms, and they define the cubic space to be allowed in common lodging-houses. No provision is, however, made to meet evils which apply to a large number of houses erected by speculative builders in London and many provincial towns; such, for instance, as erecting them on ground raised to the required level by the accumulation of all sorts of filth, without the adoption of means which would make the site healthy. Frequently, indeed, the gravel or sand is excavated for use or sale from the site of yards or gardens at the back of houses, and the holes filled in with refuse and filth, which thus remain an unknown permanent evil. The Metropolitan Building Acts provide rules for the drainage of houses, but these rules chiefly concern the junctions with the main sewer. There are known cases where a proper junction has been made with the main sewer, but the house drains have not been connected with it, and the sewage has simply been allowed to flow under the basement floor, until either the smell arising from it or an outbreak of fever has led to the discovery.

We might apply the principles of the legislation we have already recognised to the following further extent in respect of our house and cottage construction, viz.:—

All plans of new buildings intended for habitation in towns or villages or detached houses should be submitted to a local district surveyor, who should certify that the position and construction of the building would be in accordance with the following conditions:—

1. He should certify that the position is healthy.

2. Subsoil drainage should be required round all building sites.

3. If buildings are to be erected on the side of a hill, the ground at the back should be cut away so as to allow of free circulation of air around, and the lowest floor of the living rooms should be above the level of such excavated plateau.

4. Whenever the site has been used as a place for depositing refuse, the refuse should be removed, or a thick bed of

concrete laid over the whole site; the lowest part of the basement should be raised above all liability to flooding; the basement floor should always have ventilation under it, whether it be made of stone, tile, or wood; and all walls of dwelling-houses should be built with damp-proof courses near and above the ground level; the tops of the walls should be protected from wet; the thickness of the walls should be regulated according to the materials used, and should be sufficient to prevent the penetration of rain, as well as to prevent rapid alternations of temperature within the houses.

5. Rows of back-to-back dwellings which do not admit of thorough ventilation should not be permitted; but there should be a clear space sufficient for a free circulation of air at the back of every dwelling-house, from the level of the lowest floor or basement and along its whole width between it and the next building. There should always be an area between the basement and the street in houses situated in towns to prevent emanations from defective gas mains and sewers passing into the houses through the earth.

6. The drains should be trapped between the main sewer and the house, and an air pipe be carried from the drain between this trap and the house to above the level of the roof. Every down pipe should be trapped at the bottom at its junction with the drain, and an air pipe carried from its upper part to above the roof. All sinks should be trapped at the waste pipe; the waste pipe from cisterns and sinks should be cut off from any direct communication with drains.

Water-closets should, as far as possible, be placed in positions which would enable the soil pipe to be carried down an external wall of the house. Joints of sewer pipes should be water-tight. Junctions of drains with each other, or with the sewer, should always be inclined at an angle towards the fall. Rain water should be carried off the roof so as not to drip on the ground and thereby damp the walls.

During the erection of houses the drains should be completed and left open to view, until the local district surveyor has certified that they have been properly constructed; and his certificate, together with a plan of the drains, should be filed for reference in the district office, so that any person on taking a house might be able to refer to it on payment of a small fee. There should be a penalty on altering drains so certified without giving a notice of the alteration to the district surveyor to be deposited with the certificate.

Manure pits and ash pits should not be allowed below the level of the ground. These receptacles should be made of iron

and be movable, and be reduced to the smallest possible size, so as to compel the frequent removal of the contents.

7. Outside windows should be provided to all living rooms and to all water-closets and places where sinks are fixed.

In living rooms under nine feet in height the top of the window should be at most one foot from the ceiling; the area of the window surface should equal one square foot to every 125 cubic feet of content of the room, and all windows should be made to open at the top, unless they open as French casements or are hung on centres. Staircases and passages should have direct communication with the outer air. A fireplace or, in its absence, a flue for the removal of vitiated air should be provided in all living rooms. In all living rooms under eight feet high gas should not be permitted, unless provision is made for the removal of the vitiated air from the top of the room.

Regulations to this extent might be introduced into Building Acts; and district surveyors should be appointed, of adequate education, position, and salary, so as to be able to enforce the law in every town and village in the country.

It is to be feared that the present supervision under Building Acts is in many cases somewhat lax.

Regulations such as these, however, would still leave many considerations untouched.

The cubic space and floor space to be allowed in sleeping or living rooms is of importance, and has been the subject of legislation in the case of common lodging-houses and workshops: but the actual cubic and floor space necessary for health depends to a great extent upon the ventilating arrangements in the room, the means of warming, the size and position of windows, and other circumstances; the minimum of space being that in which the necessary change of air can take place without causing draughts.

It would be impossible to carry into private houses detailed regulations as to the number of persons to be permitted to sleep in one room, and subject them to nightly visits, such as the law allows with common lodging-houses. Moreover, a house of healthy construction may be rendered unhealthy by deleterious wall covering, by want of cleanliness, by letting rubbish accumulate in dark corners, by the exclusion of light from unoccupied rooms, by shutting up foul linen or bedding in lumber rooms, by leaving cisterns and filters uncleansed, or allowing the water to stagnate in the cisterns. These matters are regulated to some extent in public lodging-houses and workshops; but to carry such regulations into private houses would involve an intricacy of interference

with architectural detail and with the regulation of house conservancy which are beyond the province of legislation. A sanitary police can look after the cleansing of the streets, yards, dust-bins, and cesspits; but interference cannot well be carried further into the inside of private houses, except in the case of epidemic disease.

The law gives the medical officer and the inspector of nuisances power to enter and examine private premises where nuisances exist. They are also empowered to enter and ascertain the course of drains, to inspect work ordered by justices, and in some cases to inspect sinks and water-closets; but, looking at the prevalence of typhoid fever and other preventible diseases, it is an important question whether it would not be advisable to lodge a power with the local authority of ordering an inspection of any house in which a cause of disease is suspected, with power to compel the owners and occupiers to remedy any defect found to exist. When specific works are ordered, the owners or occupiers should have a right of appeal to the local government office as to the exact description of works which are to be executed.

The existing law further confers upon the local authorities in towns the power of prohibiting the occupation of houses which are insanitary; and local authorities in rural districts can prohibit the occupation of houses which constitute a nuisance. Each step of interference is, however, fraught with difficulty. If, in a crowded district, unhealthy cottages are closed, the result is to turn the families which inhabit them into the street. No provision exists for the substitution of better dwellings; consequently, the further question arises, whether it should not be made the duty of the local community to provide, out of the rates, cottages to supply the place of those condemned as unhealthy.

It will be seen from these remarks how comparatively little laws alone can directly do to remove or prevent practical sanitary defects. A central department of the Government may do much to spread through the community the knowledge of what is necessary, and explain the various practical methods of applying that knowledge; to this extent Government inspection is useful. But if we are to secure real and permanent sanitary progress we must rely on local administration, on the efforts of the people themselves, and on the gradual enlightenment and education of the nation in a knowledge of the laws of health. These laws are easily understood; they are the laws of common sense. Simple and economical methods of applying them are generally those found most effectual. And when the evil effects of trans-

gressing these laws are generally understood and believed in the laws will be obeyed.

The health of the Army is maintained at its present standard because the Army Medical Department, whose mission it is to prevent disease as much as to cure it, possess sanitary knowledge and an authoritative position. Through these means the officers of the Army have become imbued with the necessity of observing the laws of health, and the Government has been ready to provide the necessary money. The most effectual methods of inducing the people of this country to appreciate the value of sanitary knowledge would be to select as medical officers of health men of sound sanitary education, not given to theories, who should thoroughly understand the prevention as well as the cure of disease. They should consequently be sufficiently well paid to make the service attractive to good men, and to be enabled to commit a large portion of the mere drudgery of the office to duly qualified assistants. To ensure the necessary knowledge a special education is required.

This might be afforded by the establishment in Universities or hospitals of chairs or professorships of practical hygiene; and their certificates of practical skill should entitle the possessor, when acting as a medical officer of a sanitary area, to receive a defined sum from the Local Government Board out of Parliamentary votes, of such an amount as materially to improve the emoluments of medical officers who had thus qualified themselves.

The conclusions which I would desire to impress upon you are—

1. That so long as so much preventible disease exists in this country, we must not delude ourselves with the idea that we have done more than touch the borders of sanitary improvement.

2. That the first step in further progress is to imbue the owners and occupiers of houses and cottages with a knowledge of the laws of health.

3. That to assist in disseminating this knowledge the position and emoluments of the medical officers of unions should be improved, so as to enable them more usefully to watch over the prevention of disease.

4. That in every town and village, or congregation of houses, rates levied on the owners or occupiers should be employed to provide—

(1.) A supply of pure drinking water within the reach of all the inhabitants.

(2.) Drainage, so as to ensure that all fouled water

would be removed rapidly, and not allowed to stagnate on the surface or to pass into streams until it had been clarified.

(3.) The rapid removal of all refuse from the immediate vicinity of dwellings.

5. That the plans of all new habitable houses and important alterations of existing houses over the whole country should be subject to a General Building Act containing provisions such as I have enumerated above, enforced by the local authorities.

6. That whenever the local medical officer has reason to suspect that a cause of disease exists in any house in a town or village, there should be a power to enter and inspect the premises, and to require the removal, at the expense of the owner or occupier, of any cause of disease found to exist.

Practical sanitary science is thus made up of details in which it is not possible to state much that is new. It is easy, indeed, for the educated few to point out what is necessary to be done. The difficulty has been to induce owners and occupiers of houses to spend money upon works the value of which they do not appreciate. They have not realised the fact that the result of the large amount of preventible disease which exists in this country has been a deteriorated population, a loss of wages, and a large expenditure on poor rates. For very nearly half a century the pioneers of sanitary reform have been urging upon the community a practical recognition of the laws of health; but they were at first met with prejudice—they are still met with apathy.

I have endeavoured to explain to you how the earnest and persevering efforts of the Indian Government, continued during a space of little more than ten years, have begun to produce their effect on the ignorance and apathy of the native population of India. I trust that we shall not allow them to outstrip us in the race for sanitary improvement.

Had our Government, had Parliament, had the landowners and clergy of England, devoted to the question of the physical health of the community one-half of the attention they have given to the education of the mind, the villages of England would long ere this have been converted from dens of fever, peopled with stunted children, into abodes of health, where both the physical and mental qualities of our race would have had full opportunity for development.

Government and Parliament cannot of themselves do what is required. Legislative measures are no doubt necessary to assist sanitary progress and to enforce sanitary discipline; but

for real practical progress we must look to our own exertions. Laws can do but little unless aided by the earnest, the strenuous co-operation of every individual member of the community.

> How small of all that human hearts endure
> That part which *laws* or *kings* can *cause* or *cure!*
> Still to *ourselves* in every place consigned,
> *Our own* felicity we make or find.

Address

ON

ECONOMY AND TRADE.

BY

THOMAS BRASSEY, M.P.

IN the following Address I shall devote myself to the task of reviewing, I hope, in an impartial spirit, the most recent phases of the labour movement. The great advance of wages is a conspicuous feature of modern English industry, and is obviously due to the rapid growth of the general trade of the country. The long depression following on the panic of 1866, has been succeeded by a period of unprecedented activity in every branch of our export trade. The demands upon the labour market have far exceeded the supply; and the artisan and labourer have not been slow to take advantage of a situation which afforded to them a brilliant opportunity. In the interval of four years—from 1866 to 1869, both years inclusive—the exports of the produce and manufactures of the United Kingdom had remained stationary. Subsequently the value has risen from 190,000,000*l.* in 1869, to 256,257,000*l.* in 1872. Such a leap was not possible without imposing a strain upon the powers of our labouring population, which must inevitably have led to a material alteration in the rate of wages. It is too often alleged that the recent advance of wages is really attributable to a series of successful strikes. I maintain, on the contrary, that a strike against a falling market is never successful, and that Trades Unions, as an organisation for the purpose of raising wages, can never do more than assist the workman to obtain an advance at a somewhat earlier date than that at which the competition among employers would have brought about the same result. I may

quote the unfortunate strike in South Wales at the commencement of this year as a signal instance of the inability of Trades Unions to cope with the superior resources of employers, when firmly united together. Without venturing to apportion to either of the contending interests their respective share of responsibility, it is clear that the ironmasters were alone in a position to know whether their business was sufficiently remunerative to make it possible to dispense with a reduction of wages; and it was stated by Mr. Crawshay that he had taken a contract for 2,000 tons of rails at 9*l.* 2*s.* 5*d.* per ton net, and that he lost money by selling rails at that price. The miners, however, were in the embarrassing position, in which workmen are always placed, whenever they are engaged in similar disputes. They had to struggle in the dark, and had no means of correctly estimating the profits of their employers. The responsibility of the Executive Council of the Miners' Union, during the labour crisis in South Wales, was immense. The Miners connected with the Union were about 10,000 in number; but, by their cessation from labour, 50,000 of their fellow-workmen, engaged in various branches of the iron trade, were kept out of work. The "strike pay" distributed by the Colliers' Union, amounted to a total of 40,000*l.*, a sum quite insignificant by comparison with the amount of 800,000*l.*, which the men would have earned if they had continued at work; but the burden of sustaining a vast population proved eventually insupportable. In point of fact, the men were only enabled to continue the struggle by the assistance of the tradesmen of the district, and, when at length the latter found themselves unable to continue the supply of the necessaries of life on credit, surrender was inevitable.

The reaction against the International Society in Belgium originated in a similar cause. In 1871, during the strike in Flanders, the Society was unable to fulfil its promises of support, and it has consequently lost credit with the operatives, many of whom, as we are informed by Mr. Kennedy, have withdrawn from it. It was the same with the miners at Waldenburg, in Silesia, where 6,000 men went out on strike. After all their savings had been exhausted, they received a grandiloquent despatch from the Central Council at Berlin, urging them to emigrate *en masse*. A few obeyed the advice. The majority who remained were compelled to surrender, being consoled by the assurance that the most valiant armies must sometimes yield to superior numbers, and that they had won for themselves the admiration of Germany.

Almost to the last, the originators of the strike in South Wales opposed the generally felt desire to return to work. Never perhaps was the magical power of eloquence over a half-educated audience more conspicuously displayed than at the meetings, held by the workmen, towards the close of the South Wales strike. Men, who had gathered together for the express purpose of negociating a peace with their employers, were turned aside against their own judgments by the eloquent exaggerations of orators who were interested in the continuation of the struggle.

I now pass to the larger question of the rise in the price of coal, which has recently taken place. It will be remembered that, on the motion of Mr. Mundella, a committee of the House of Commons was appointed in the last Session to inquire into this subject. After a long investigation the Committee reported, as might have been expected, that, in their judgment, the rapid development of the iron industry was the primary cause of the advance in the price of coal. It appears from statistics, compiled under the direction of the Committee, that the total production of coal in 1869 was 107,000,000 tons, of which 79,000,000 were used in manufactures. The total production in 1871 was 117,000,000, of which 85,000,000 were used in manufactures. It will thus be seen how large a proportion of the total quantity of coal raised is consumed in manufactures, and specially in the manufacture of iron. In 1867, 567,000 tons of pig iron were exported, 4,193,000 tons of pig iron were converted into rolled iron, 1,317,000 tons of rolled iron were exported, and 28,331,000 tons of coal were used in the manufacture of iron. In 1872, 1,333,000 tons of pig iron were exported, 5,390,000 tons of pig iron were converted into rolled iron, 2,055,000 tons of rolled iron were exported, and 38,229,000 tons of coal were consumed in the manufacture of iron.

The Committee rightly observe, in commenting upon these figures, that, although the disturbance in the proportion between the demand and the supply of coal might not appear sufficient to explain fully the great rise of prices, yet a comparatively small deficiency in the supply of an article of paramount necessity may produce a disproportionate increase of price, through the eagerness of buyers competing with each other, each for his own supply.

Other reasons for the rise in the price of coal have been urged, and among these more especially the reduction in the hours of labour, and the great advance of wages. The advance in the wages paid to the miners is in truth extraor-

dinary. In a large colliery, in which I have an interest, I will give the advance in the weekly wages of some of the principal trades. The weekly wages of hewers in 1869 were 24*s.* 5*d.*, they have risen in 1873 to 48*s.* 9*d.* The wages of timbermen in 1863 were 25*s.*; in 1873 they were 53*s.* 4*d.* Hawlers in 1869, 20*s.*; in 1873, 31*s.* 6*d.* Landers in 1869, 21*s.*; in 1873, 36*s.* 9*d.* Labourers in 1869, 15*s.*; in 1873, 24*s.* a week. The average of all the trades and employments gives 20*s.* 11*d.* for 1869, as compared with an average of 36*s.* 8*d.* per week in 1873.

A similar rise of wages has been established in other parts of the country of which I have no personal knowledge. Wages have risen since 1870, 48 per cent. in Northumberland, and 50 per cent. in Durham. The requirements of the Mines Regulation Act have involved an additional expenditure, as estimated by some authorities, amounting to 12½ per cent. upon the cost of production. It was estimated by Mr. Pease that the total cost of working, in the collieries with which he was connected, had increased 50 per cent. between 1870 and 1872. Mr. A. Macdonald, the president of the Miners' National Association, confirming the opinion of Mr. Pease, estimated that the cost of getting coal in Northumberland had increased between 1868 and 1872-73, from 60 to 65 per cent., while the selling price had risen 120 per cent.

It might be easily made to appear that the rise of wages was the principal cause of the advance in coal. But my individual experience abundantly confirms the opinion, expressed by the Committee of the House of Commons, to the effect that the prices of coal which prevailed, for years before the present rise commenced, were so low that they did not afford a reasonable profit to the owners of collieries in general, or such remuneration as the workmen might, with regard to the hazardous and arduous nature of their labour, reasonably expect. The rise in the rate of wages has not, under the exceptional circumstances, been unreasonable; and it is certain that the real order of events has been, first, the rise in price of iron, then a rise in the price of coal, and lastly a rise in the rate of wages. On the other hand, great as have been the profits in the coal trade, it is a question whether the last two years have compensated the coal owners for the former protracted era of stagnation, and, in many cases, of serious loss. The period of prosperity may continue for a year or two years at the most, but, at the end of that time, the influx of capital into the coal trade, attracted by the present high profits, will infallibly lead to some reduction of price. New coal pits are

being sunk. Old pits are being improved. More workmen are being trained in the business of mining. Hence we may look with confidence to an augmentation of the output, and to a sufficient supply for the ordinary demands of consumers. The insufficient profits of former days cannot be attributed to the unreasonable standard at which wages were maintained. The excessive competition in the supply of coal was the true cause of the unfortunate position of the trade.

Complaints have been urged as to the effects of shortening the hours of labour; and it is certain that if a comparison be made between the amount raised and the total number of individuals employed, a less quantity is raised per man now than in former years. It must not, however, be forgotten that high wages have attracted a great number of untrained hands to the coal pits. It would be presumptuous in me to express an opinion as to the precise number of hours which would constitute a fair working day in a coal pit. Mr. Macdonald, who has had actual experience as a working miner, declares that the present earnings could not be obtained with less than eight hours of work a day, and that no man, who laboured assiduously for that number of hours could work continuously six days a week at coal mining. It will be the duty of those, to whom the miners are in the habit of looking for guidance, to watch with care the course of trade. They know that the iron manufactures of this country can only prosper so long as we are able to sell our iron abroad at cheaper rates than those demanded by foreign producers.

There are some who think that a limitation of the hours of labour is in itself an evil. I cannot share in this view. Because some may make an unwise use of their newly acquired advantages, that is no reason for returning to a former state of things; when, in the general depression of trade, an undue pressure was brought to bear upon the working man. "No doubt," says Sir Arthur Helps, "hard work is a great police agent. If everybody were worked from morning till night, and then carefully locked up, the register of crime might be greatly diminished. But what would become of human nature? Where would be room for growth in such a system of things?"

The use of leisure requires education, and that education had not been largely given to the mechanics, the miners, and the puddlers of former generations.

Among various improvements which may tend to reduce the price of coal, we may look with confidence to the increased use of coal-cutting machinery, as a substitute for manual

labour; and to the discovery of methods by which the consumption of fuel may be reduced.

Domestic consumption absorbs but a moderate proportion of the total quantity of coal used, but it cannot be doubted that, so far as it goes, it is wasteful. The inventor of an effective improvement in the form of grate now in common use, will be a true benefactor to his fellow-man.

Already we have in the cooking stove for yachts, the invention of Mr. Atkey, of Cowes, a highly successful apparatus. A letter from Mr. Vale, ex-President of the Liverpool Architectural Society, to the "Times" in August last, describes a cooking stove for a party of nine persons, and a crew of 13 men, which measured only one foot nine inches by one foot four inches, and which was one foot nine inches in height; the actual fuel space being less than one cubic foot. Having weighed the fuel required in his yacht for one day's consumption, which was 47 pounds of coke at twenty shillings a ton, Mr. Vale found that the cost per head per day amounted to less than one farthing.

But economy in the consumption of coal in the manufacture of iron, is a far larger question than economy, however desirable in itself, in the consumption for domestic purposes; and, as an illustration of what may be achieved in this direction, I will quote some extracts from a letter from Mr. Bessemer, detailing the results, which have actually been attained through his most valuable discoveries.

The average quantity of coal required to make a ton of pig iron is about two tons of coal to a ton of pig; and, as pig iron forms the raw material for the several processes of manufacturing both malleable iron and steel, we may treat the pig simply as the raw material employed, and consider only how much coal is required, to make a ton of finished rails. About two tons of coal are required in order to convert pig iron into iron railway bars.

To produce one ton of steel rails by the old process of making steel in Sheffield, a total consumption of ten tons eight hundredweight of coal is required; and the conversion of iron bars into blistered bars occupies from eighteen to twenty days.

To make Bessemer's steel from pig iron into steel rails, requires about five cwt. of small coal in the form of coke to melt the pig iron in the cupola, two cwt. to heat the converting vessel and ladle, and say, two cwt. for the blast engine, which converts five tons of pig iron into fluid cast steel in twenty minutes. Lastly, for rolling the ingots into rails, say sixteen

cwt. of coal, making a total consumption of twenty-five cwt. of coal, in producing one ton of Bessemer's steel rails from pig iron. Thus, common iron rails take two tons of coal; Sheffield cast steel rails, ten tons eight cwt.; Bessemer's steel rails, one ton five cwt.

But we must also consider other points in connection with these figures, in order to arrive at a correct estimate of the saving of coals effected by the introduction of steel, as a substitute for iron.

Although the cost of Sheffield steel entirely shut it out of the market for rails, it must be borne in mind that it was extensively used for wheel tires, slide bars, piston rods, and other parts of locomotive engines; and here a saving of over nine tons of coal per ton of steel has been effected. Further, it must be borne in mind that at stations where rails are rapidly worn, the saving by the use of steel, as a substitute for iron, must not be simply estimated as a saving made on one ton of each material. For instance, at the London and North-Western station, at Crewe, the iron rails are so rapidly worn, that they require to be reversed every four months, each rail being completely worn out in eight months. Bessemer's steel rails were first used at this station, and after being in constant use for seven years, they were removed in consequence of rebuilding the station, one side only of the rail having been used, and this was not quite worn out. During the seven years these rails were down, one ton five cwt. only of coal had been employed in the production of each ton of rails used at this station; whereas ten sets of iron rails would have been entirely worn out in that period, each set consuming two tons of coals in its manufacture, or equal to twenty tons of coals for iron rails, as against one ton five cwt. of coals for steel rails; and those, when turned, would be equal to another seven years' wear on the side not used.

The above is, no doubt, an extreme case, but the same sort of thing goes on everywhere where steel is used, though in a less degree. It has, indeed, been admitted by competent persons that the rapid destruction of iron rails would have caused a complete collapse of the metropolitan railways by continued interference with the traffic while removing the worn-out rails, had not steel been employed.

It should further be borne in mind that the extra strength of steel over iron admits of a reduction of one-third of its weight in all structures previously made in iron. Thus a further saving is effected in the fuel consumed for a given work.

The rapidity with which Bessemer's steel is coming into use will be appreciated when it is stated that the report of the jury at the London International Exhibition showed that the entire production of steel in Great Britain, prior to Bessemer's invention, amounted to 51,000 tons per annum, while the quantity of Bessemer's steel made in Great Britain during the twelve months ending June 1873, amounted to 481,000 tons, or nearly ten times the amount of production, prior to the invention. Had this quantity of steel been made by the old Sheffield process it would have consumed, according to the foregoing figures, 4,401,000 tons more coal than was actually employed in its production. Should this enormous increase in the manufacture continue, as it at present promises to do, in another five years we may have treble the quantity of steel made in this country with a corresponding saving of fuel.

It remains to consider how far the apprehensions entertained in many quarters for the future of the British iron manufacture are justified by actual experience. We are sometimes assured that Belgium threatens our ironmasters with serious competition. But in Belgium the ore must be carried 100 miles or more to be smelted. The coal pits are worked in many cases with considerable difficulty. A Belgian workman does about half what an Englishman can accomplish in the same space of time. Sometimes we are told that we shall lose our position in the Russian market. The Russian Government are doing their utmost to encourage the manufacture of iron at home, but there is little demand for pig iron in that country. Few Russians have had any experience in puddling. Skilled mill and forge-men are scarce. Few of those obtainable have had any experience in the use of mineral fuel, and great difficulty is experienced in consequence of the objection of the Russians to piece-work. Lastly, we are threatened with competition from the United States. The production of pig iron in the States may now be estimated at 2,500,000 tons, an increase of 1,000,000 tons on the production five years ago. But the ironmasters of the United States, although protected by a duty of nearly 3*l.* a ton on railroad iron, have hitherto been unable to supply the entire demand at home. There cannot be a doubt as to the ultimate consequences of the comparative exhaustion of our supplies of raw material at home; but we may hope that the tariffs, which now throw obstacles in the way of legitimate trade, will in time be removed, and that as Mr. Mattieu Williams has suggested, we may be enabled to avail ourselves of the natural resources of America, for

obtaining our supplies of raw material; just as we already derive large supplies of hematite iron ore from Bilbao.

The progress of the American iron works is the more creditable because great difficulties are experienced in obtaining a sufficient supply of labour. There is an engine building establishment in Philadelphia which is more extensive than any in Europe, and from which locomotives are supplied to Russia, in competition with all the makers in England and Germany. As an illustration of American ingenuity and enterprise, which came under my immediate notice on the occasion of a recent visit to the States, I may point to the Peabody Rifle Company's establishment at Providence, Rhode Island. During the Rebellion the Company was fully employed in the manufacture of small arms. The cessation of the struggle put an end to the demand for rifles; but, with the fertility of resource which distinguishes American industry, the manual skill of a large body of workmen, especially apt in the production of tools or machinery, composed of numerous small and interchangeable parts, and the valuable and ingenious plant belonging to the Company, are now employed in the production of sewing machines. Three hundred machines are turned out every day, and the sale is constantly increasing. The wages of the 500 operatives employed are most liberal. The monthly pay-sheet amounts to 25,000 dollars, giving an average of 40*s.* a week throughout the factory. The success of the Peabody Company affords significant evidence that the cost of production is not augmented in equal proportion to the high rates of pay. At the time of my visit they were negociating a contract for the supply of 100,000 rifles to the Roumanian Government, at the rate of 63*s.* per rifle; and they had to compete for the contract against all the makers of Birmingham and Liege. This Company have also in prospect an order for 200,000 rifles, from the Turkish Government. The success with which the Americans have utilised the most costly manual labour, by the invention of machinery, gives us ground for caution, lest our old supremacy be shaken by the energy and talent of the New World, while it also gives us reason to hope that the effects of the exceptionally high rates of wages now prevailing may be mitigated by substituting, wherever it is possible, mechanical for manual labour.

Looking to the present condition of our iron trade, there is nothing to justify serious misgivings. According to the last report of the Commissioners of Customs, the average rate of the value of pig iron exported in 1870, was 2*l.* 19*s.* 2*d.* per ton; in 1871, 3*l.* 1*s.* 8*d.*; in 1872, 5*l.* 0*s.* 11*d.* But the

demand for pig iron continued nevertheless unchecked. The increase in the quantity exported in 1872 over 1871, was 28 per cent. The increase in the price ranged as high as 108 per cent.

While the export of pig iron attained to the figures I have quoted, the total increase in the exports of iron and steel manufactures did not exceed 6·7 per cent. Indeed, the manufacture of steel actually fell off from a value of 683,000*l.* in 1871, to 623,000*l.* in 1872; a result the more remarkable, as compared with the increase in pig iron, because the price of steel had not advanced in anything like the same proportion with the rise in pig iron. The price of the latter article had risen, as I have said, from 3*l.* 1*s.* 8*d.* to 5*l.* 0*s.* 11*d.* per ton; while unwrought steel had only advanced from 30*l.* 12*s.* 3*d.* to 32*l.* 18*s.* 7*d.* per ton, and steel manufactures from 52*l.* 8*s.* 1*d.* to 55*l.* 4*s.* 10*d.* per ton.

Hence it would appear that when once a demand has been created for an article of the first necessity, such as iron, it is not easily checked, even by a very marked advance of price.

The workman must, however, remember that when the course of trade has been changed, and consumers, alarmed by the high prices in our market, have been driven to look for their supplies in another, the position once lost is not easily recovered. The superiority of our artisans in skill and industry have assisted our manufacturers to compete successfully in the past. But the same success will not be maintained in future, unless our workmen continue, as before, to co-operate with their employers in their efforts to reduce the cost of production.

Perhaps no branch of industry has conferred greater lustre on our country than our shipbuilding, and the extensive use of iron for ships of the largest type makes it a point of great interest to ascertain how far the activity of our shipbuilding yards has been affected by the recent advance in the price of wages. I am informed by an eminent firm of shipbuilders that, shortly after the reduction in the hours of labour, from fifty-nine or sixty hours a week to fifty-four, which took place at the close of 1871, an agitation was commenced amongst all classes of men for an advance in their rates of wages, which has been, in some shape or other, conceded to them, to the extent of from 7½ to 15 per cent. In reality this was the natural consequence of the reduction in the hours of labour, although at the outset, the leaders of that movement professed that they did not seek to increase the rate of wages.

The reduced hours of labour increased the cost of produc-

tion of all articles, and led to the necessity for an advance in the rates of wages. In point of fact, the advantage of the reduction in the hours of labour being conceded, on social and moral grounds, the necessity for some corresponding advance in wages followed as a matter of course, and was perhaps not unreasonable. The two causes combined have resulted in an increased cost of production, so far as labour is concerned, of from 20 to 25 per cent. The cost of building first-class steamers, and first-class marine engines, has, in consequence of the rise in wages and materials, been increased from 30 to 40 per cent.

The actual diminution, by the nine hours' movement, in the amount of work turned out with a given plant should, in theory, be only in proportion to the reduced number of the hours of work, or, say, about one-tenth. It is in reality from 15 to 20 per cent.

From an eminent firm on the Clyde, I learn that on riveters' and smiths' piece-work there has been an increase of 20 per cent. and 10 per cent. respectively in the last two years; but in fitters' piece-work there has been a decrease of 10 per cent. The price of first-class steamers in 1871 was about 24*l.* per ton. At present the cost would be from 30 to 35 per cent. higher. The building of sailing ships decreased in 1871 and 1872; but in 1873 there has been an increase in the number built. The building of steamers has not been so brisk in 1873 as in 1871 or 1872; a marked falling off in orders having taken place since the beginning of this year.

On the Thames I find that piece-work is at least 15 per cent. dearer now than in 1869 and 1870. The operatives who are employed in attending to large self-acting machines, which require little manual labour, are only working fifty-four hours instead of sixty hours; in other words, the machine is working six hours less out of every sixty. In point of fact, a loss of 10 per cent. has been experienced. Again, there has been a large increase of overtime since the nine hours' movement commenced. Wages for overtime are higher than for ordinary time. An hour and a half's pay is given for every hour's work, and many men refuse to work, unless a certain amount of overtime is given to them.

With the recent reports from shipbuilders it may be useful to compare the general progress of shipbuilding in the United Kingdom in the last ten years. The tonnage of the ships built increased from 328,000 tons in 1867 to 475,000 tons in 1872. There has been no increase in the registered tonnage in the

interval, but the vast increase in the proportion of steam to sailing vessels will fully explain the apparently stationary condition of the mercantile marine, if tested solely by the amount of tonnage. It is equally reassuring to find that, in the estimation of foreigners best qualified to form an opinion, the extent of our merchant navy excites profound admiration. M. Bal, director of the Bureau Veritas, in giving evidence before the French Parliamentary Commission of Inquiry into the Condition of the French Mercantile Marine, said, that to him it seemed almost incredible that England, which has only 27,000,000 inhabitants, had 6,903,000 tons of shipping, whereas all the other maritime Powers, put together, have only 6,648,000 tons.

Amid the many difficulties of the present time, the English employers may perhaps take comfort by looking abroad, where they will generally find that the same problems with which they have to deal are presenting themselves, and often in a still more aggravated form.

Passing from shipbuilding to engineering, I have ascertained that in an establishment on the largest scale, in which by simplicity and uniformity of type, and by offering to the workmen the rare advantage of constant employment, the cost of production has been minimised to the utmost degree; the increased cost of production in 1871 over 1870 was, for wages, 2·73 per cent., and for materials, 2·59 per cent. Again, the increase in 1872 over 1871 was, for wages, 7·97, and for materials, 7·94 per cent., thus showing that the most liberal application of capital, the most ingenious machinery, and skilful administration, had failed to compensate for the great advance in the rate of wages.

I may also quote the following details from a report, recently received from an engineering establishment, with which I am personally connected. In reply to my enquiry as to the effect of the nine hours' movement in diminishing the amount of work turned out, I am informed that, while wages have been considerably advanced, no increased activity on the part of the men has taken place; indeed, less is done in nine hours now than was done in nine hours when ten hours constituted a day's work.

The rise of wages has been very considerable in the last two years. The price of locomotives has, in consequence of these various causes, increased from 25 to 30 per cent. An ordinary passenger engine, which might have been built in 1871 for 2,200*l.*, cost in 1872, 2,400*l.*, and in the present year the price would be 2,600*l.* In modern marine engines the

cost of materials and labour is about equal. An engine which might have been built in 1871 at 40*l.* per horse power, would have cost in 1872, 46*l.* In the present year the price has advanced to from 55*l.* to 60*l.* per horse power.

Lastly, I am informed, in reply to an enquiry on the subject, that there is no appreciable difference in the dress or appearance of the working man in the town in which my works are situated, that there is more money and more time spent in the public-house, and that time in the morning is not so well kept now as it was before the nine hours' movement commenced. It is suggested to me that the improvement in wages, and the shortening of the time, came too suddenly upon the working-man.

Listening to these plaintive utterances, it is difficult to overcome a feeling of depression as to the future of our mechanical industry. But, when we look to the progress made in the past, there is no ground for discouragement. The value of our exports of steam engines in 1866 was 1,760,000*l.*, in 1872, 2,995,000*l.* The value of our exports of machinery of other sorts was, in 1866, 2,998,000; in 1872, 5,606,000*l.* The past has been prosperous, the future mainly depends upon the conduct of our artisans.

At a time when our own manufacturers are driven to despair by the inexorable demands of labour, it may be well to examine the situation of affairs among our Continental rivals. Valuable materials for such investigation are furnished to our hands by the recently-published reports of our Secretaries of Legation, and by a most important pamphlet prepared by Mr. Redgrave. From these authorities we learn that in the last ten years, wages at Verviers, a great centre of industry in Belgium, have gradually increased 20 per cent., and that the working hours are shorter than they were. At Ghent the rate of wages has risen 60 per cent. in the last fifteen years. The average prices of the necessaries of life show an increase in Belgium of 50 per cent. in the last thirty years. In Prussia Mr. Plunkett states that there is a universal tendency to reduce the hours of labour, and to raise the rate of wages. In the spinning and weaving factories in Silesia, according to a statement by Dr. G. Reichenheim, quoted by Mr. Plunkett, the increase in the rate of wages in the last ten years has been about 30 per cent. for female weavers, while in the case of male labour it is more than double. The same complaints are made, which we hear in this country, as to the effect of higher pay in rendering the operatives less careful in their work, and more insubordinate than formerly.

In Belgium all the factory occupiers are of opinion that the English operatives are far superior to the Flemish. An Englishman, being better fed, possesses greater physical power, and produces as much work in ten hours as a Fleming in twelve. There is no regular exportation of Belgian textile fabrics to Great Britain, and although the rates of wages are lower and the hours of labour longer, English manufacturers have but little to fear from Belgian competition.

Mr. Gosling says of the Swiss workman, that he is, in most respects, inferior to the British workman, that he has neither the physical strength nor the energy and activity of the latter. The average length of a working day in Switzerland is twelve hours, exclusive of the time for meals. The general tendency is to a reduction of hours, and laws have been passed limiting the length of the working day in some cantons to twelve hours. These changes are, however, almost entirely due to the efforts of local politicians. A proposal of this nature recently made in Zurich, and sanctioned by the Cantonal Legislature, was eventually thrown out by the popular vote.

At Rouen Mr. Redgrave found no strong desire for a diminution of the hours of labour in the cotton factories. The operatives were chiefly solicitous for a rise of wages. In this regard the workpeople of all countries seem to entertain similar feelings. Messrs. Bridges and Holmes, in their report on the condition of operatives in English factories, say that the workpeople are by no means unanimous. Among the women especially many are apathetic and some are positively opposed to a limitation of the working hours. The French manufacturers insist strongly on the greater cost of production in their country as compared with England. They estimate that the cost of wages per week for the hands employed upon 10,000 spindles would be 59*l.* 10*s.*, while in an English factory the corresponding amount may be set down at 41*l.* "The value of the English workman," says Mr. Redgrave, "still remains pre-eminent, although the interval between him and his competitors is not so great as it was; he has not retrograded, but they have advanced. We see too much of intemperance in England, but there is much reason to complain in Belgium and the manufacturing districts of France, where the cheapness of intoxicating liquors is a fearful temptation to the working classes."

The progressive development in the skill of our factory operatives has been clearly shown in the comparison, instituted by Messrs. Bridges and Holmes, of the tasks now performed, with the amount of work allotted to the hands as ascertained

by the Factory Commission of 1833. Messrs. Bridges and Holmes estimate that the proportion of spindles in 1833 was 112 to each hand, and that the corresponding number at the present day would be 517 spindles. Then with regard to the speed of the mule, more stretches are now made in 10½ hours than formerly in 12. In 1848 a female would have had only two looms, now she will attend to four. The speed of the power looms in 1833 varied between 90 and 112 picks a minute, it now varies between 170 and 200.

In England we are happily doing away with the great evil of employing young children in our factories. All the Chambers of Commerce in Belgium unite in deploring the increasing moral and physical degeneracy of the working classes, which they attribute to the premature employment of children. In 1866 out of their total population of 4,827,000 more than one-half were unable to read or write. The necessity for the employment of children is best proved by the description given by Mr. Kennedy, of the position of the Belgian operatives at Alost and Tironde, where a first-class hand earns 28*l.* a year, whilst the smallest sum on which a man can exist is 20*l.* a year. Indeed, existence is only made possible by the employment of children in factories, and by the possession of a small garden in which vegetables are raised.

In the English factories a larger number of women are employed than in factories abroad, and the Association of Employers, though differing on almost every other subject from Messrs. Bridges and Holmes, suggest that women should be excluded from factories for three months after their confinement. Great evils have been found, by experience, to ensue from the too early return of the mothers to factory labour. Let us venture to hope that another session of Parliament will not be allowed to pass by without placing on the Statute Book a legal prohibition against a practice which is universally condemned by those most competent to form an opinion.

In examining the various circumstances which tend to raise the price of labour in England, the prevailing high wages in the United States, and the increased facilities for emigration must ever be kept in view. The nominal rate of wages in America may indeed frequently convey a delusive idea of prosperity, yet it cannot be doubted that in the main the thrifty, skilful, and industrious artisan has larger opportunities of advancement in the New World than in the Old. At Lowell, near Boston, I ascertained that the working hours were sixty per week, and that no indication has yet been given of a disposition among the operatives to reduce the hours.

The workpeople are paid as far as possible by the piece. The monthly pay-sheet at the Merrimac Mills, where 2,600 hands are employed, amounts to 75,000 dollars, which gives an average of thirty dollars a month, or 30*s.* a week. The majority of the workpeople are Americans, but there are many from Canada and the old country. The proprietors of the mills have established several lodging-houses for the unmarried women whom they employ. At each of these houses some thirty women are lodged. The house is placed under the supervision of a respectable matron. The cost of living is 3½ dollars a week, and female operatives can earn from 14*s.* to 16*s.* a week over and above the cost of their board and lodging. The men pay for board 2*s.* a day, and their wages vary from 7*s.* to 10*s.* a day.

At the Lonsdale Company's Cotton Mills, near Providence, in a factory containing 40,000 spindles, one man attends to 1,408 spindles, and in weaving, one weaver attends to from four to six looms. In England the proportion would be, on the average, one hand to every three looms, working at a higher speed than they have attained in America. Male weavers were earning from 44*s.* to 52*s.*, and female weavers from 40*s.* to 44*s.* weekly. Spinners earn from 4*s.* to 6*s.* a day. Women pay for board and lodging in lodging-houses, provided by their employers, 12*s.*, and men 16*s.* a week. The operatives earning these wages are better able to save money than the operatives in our own country, and many of the hands at the Lonsdale Mills have 1,000*l.* to their credit in the Savings Bank. At the great Harmony Mills, at Cohoes, near Albany, where 4,000 hands are employed, two-thirds are immigrants to the States, principally English and Scotch, although there are many Germans and some French. The general wages are for women from 3*s.* to 6*s.* a day, for men from 6*s.* to 10*s.* a day. With regard to the cost of living I was informed that, assuming a female operative earns 28*s.* a week—by no means a high average—she has 16*s.* a week to spend on dress and luxuries. At Cohoes a weaver attends to four, five, or six looms, but the machinery is not worked at so high a rate of speed as in Lancashire. The mule is never worked at a speed exceeding three stretches a minute.

It has been already pointed out that in England we have to contend against competition of two kinds—against the cheaper labour of the Continent on the one side, and against the superior natural resources of America on the other. We occupy at the present time a highly favoured position, which has been attained not merely by the energy of our workmen,

but by the administrative skill of their employers, and the gradual accumulation of an ample capital in their hands. But the race with other great manufacturing countries is very close. The Swiss have entered into competition with our own manufacturers, both in the home and foreign trades. The exports of textile fabrics from Switzerland, as we earn from Mr. Gosling's report, have risen from 12,485,000*l.* in 1860, to 26,464,000*l.* in 1871, an advance of 112½ per cent. In this total their exports to the United States have risen from 509,000*l.* in 1862 to 2,159,000*l.* in 1872, in other words over 324 per cent. In cheap silks and ribbons the Swiss are able to compete with the British producer in the English market; and, to sum up the case in the words of Mr. Gosling, "the advantages of Switzerland in competition with Great Britain are the use of water power as a substitute for steam power, to the extent of upwards of 80 per cent., low wages, long hours of labour, and a minimum expenditure for management." On the other hand, as an inland country, Switzerland has to pay heavy freights, the workmen are inferior in activity to our own, buildings for machinery are more costly, and from want of capital, production is on a smaller scale than here. The balance, however, seems to be greatly in favour of Switzerland, and cannot fail to become greater from day to day.

Such being the case as regards textile industry, Mr. Lothian Bell, one of our highest authorities, has recently pointed out that in ores of the finer descriptions, the resources of the United States are unlimited, while in coal, our own wealth, is, in comparison, poverty. There is but one bar to the boundless production of minerals in the New World, viz., the want of hands to manufacture them. Moreover, the United States, not content with their natural advantages, impose an almost prohibitory tariff on our exportations. There is a party in America opposed to protection, but hitherto the superior organization and greater determination of the manufacturers interested in the maintenance of the tariffs has overpowered all opposition. At the last annual meeting of the American Institute of Mining Engineers, at Philadelphia, the Honourable D. Kelley, who delivered the opening address, maintained that by its dereliction of duty in not protecting the labourer of Great Britain against competition, the Government of this country have fostered anarchy in Ireland, while the life of the labourer in England and Scotland has been robbed of all its joys. "The millions of sturdy men," he declared, "represented by Bradlaugh, Odger, Joseph Arch, and the travelled and humane patrician, Sir Charles Dilke,

know that the world owes every man a living, and that it is only by protection that the means of living can be secured to the people." So long as such a feeling prevails, there is little hope of our ironmasters obtaining free access to America.

Our artizans may believe that the profits of former days were so large that employers can afford to pay the present rates of wages without raising their charges to the consumers. There is but one means by which this fallacy can be exposed. The workmen must become to a certain extent their own employers. In a co-operative establishment, created in part by his own hardly-earned savings, the handicraftsman will find himself called upon to apportion equitably the earnings of his business between labour and capital. In this double relation he will learn how great are the difficulties which beset the employment of capital in productive industry in a country, in which competition is so keen as it is in England. In no other country does capital command so low a rate of interest; and be it remembered that money is cheap only because it is abundant, and that accumulations of capital have been made, not because profits have been large, but because the employers of labour in this country, as a class, have been distinguished by their frugality, their perseverance, and their enterprise. The co-operative principle, in its application to the business of distribution, has been already most successfully developed. My object, however, is to encourage working men to create co-operative establishments for the purposes of protection. The accumulation of the necessary capital is an obvious difficulty. But as wages were never so high as at present, so this obstacle can be more easily surmounted than at any former time. Some men may object to recognise the special responsibilities of a fellow-workman, holding the office of manager of a large business, by giving a proportionate salary. It is because the recognition of authority is essential, whenever anything practical is to be done, that the International Society has shown such uncompromising hostility to the co-operative principle. The denial of any reward for superior intelligence or industry is the first article of its catechism. The absurdity of attempting to combine the energies of the men for any definite object, without placing a competent chief at their head, must be obvious to every thoughtful mind. The argument of Mr. Carlyle on this subject was admirably effective. "Ships," he said, "did not use the ballot-box at all, and they rejected the phantasm species of captains. Phantasm captains with unanimous votings! These are considered to be all the law and prophets at present. If a man could shake out of his mind the uni-

versal noise of political doctors in this generation, and in the last generation or two, and consider the matter face to face with his own sincere intelligence looking at it, I venture to say he would find this a very extraordinary method of navigating, whether in the Straits of Magellan, or the undiscovered sea of time."

English workmen are less easily deluded by tall talk and sophistry than the more excitable populations of the Latin race, and I would earnestly invite them to apply their practical sagacity to the difficult yet hopeful experiment of co-operative industry. The first thing to be done is, to save something from their present high wages. Forethought is an especial duty in a period of prosperity. At no distant time the progress of our commerce may sustain at least a temporary check. It will be sad indeed if the receding tide leaves multitudes of our highly-paid workmen behind, without any provision to meet a time of adversity.

In closing this imperfect review of the labour question, I must repeat the old familiar axiom, that the price of labour, like that of every other commodity, must mainly depend upon the relation between supply and demand. The wages of skilled workmen have risen, because skilled workmen are scarce. How shall we increase their number, and improve their skill? My answer is, by bringing recruits into our industrial army from a class of society which has hitherto exhibited too strong a prejudice against manual labour. The same aversion to handicraft of every kind exists in the United States and Canada. In America a skilled workman earns thirty dollars, a clerk only fifteen dollars a week; and while it is almost as difficult for a clerk to obtain a situation in New York as in London, a skilled workman can always command employment. It is unnecessary to dwell on the evils which must ensue from a disproportionate increase in the non-productive classes of the community. Lord Bacon has truly said, that a population is not to be reckoned only by numbers, for, a smaller number that spend more and earn less, do wear out a greater number that live lower and get more. My father's advice was often sought by parents anxious for the future of their sons. His counsel always was, that a young man, whose destiny it must be to make his way, unaided, through the world, should begin by learning a trade. It is a laudable ambition in a parent to endeavour to raise his family to a better station in life. He cannot bestow on his children too high an education. But a wise man will be on his guard, lest the enjoyment of such advantages should render those

occupations distasteful, which afford the most secure and ample livelihood to those whose lot it is to labour. When justly appreciated, the condition of the skilled artisan should be as much esteemed as that of any other class of the community. He, whose life is passed in performing such needed services for his fellow men, whatever his special calling, holds an honourable station, and social dignity will ever be most effectually maintained by those who are the least dependent upon the favour of others.

SELECT PAPERS,

NOTICES OF PAPERS,

DISCUSSIONS,

ETC., ETC.

JURISPRUDENCE

AND

AMENDMENT OF THE LAW.

ENGLISH AND FOREIGN COMMERCIAL LAW.

Is it desirable and practical to effect an assimilation of English and Foreign Commercial Law? and if so, to what extent, and what steps should be taken to effect such assimilation? By H. D. JENCKEN, *Barrister-at-Law.*

EVERY year adds to the trade of the world, and as commerce expands, the intercourse between countries increases; races intermingle until the European and American countries must finally assume the character of one vast trading confederation.

The great motive power which is thus uniting the Latin and German races, peopling different continents, living under different laws, and speaking different languages, is trade, commerce. This very commerce, however, this international intercourse, has fostered dealings in securities and negotiable instruments to an all but fabulous extent. The savings of whole communities are being invested in stocks, bonds, and government securities,—thousands of millions of pounds sterling are thus passing from hand to hand, and from country to country, and yet marvellous enough to say, we have hitherto no fixed rules for our guidance, no common principle—nay, not even a mutual understanding between the governments of the different States, save in a few exceptional instances, such as exists between France, Italy, Belgium, and Great Britain.

The laws and customs which regulate negotiable instruments, amongst which, from the fact of their transitory nature,

I include bonds and share warrants to bearer, are in a like unsatisfactory condition.

Thus in the case of *bills of exchange*, and *cheques*, which serve as the carriers of money from one country to another, the aggregate sums represented are truly enormous, only measurable by the sum total of the foreign trade of the world. I ask, with these facts before us, is it not time that an International Code should be framed to meet our requirements, and that a committee of jurists from all countries should be formed to consider the many questions that arise out of the conflict of laws of various States; with a view ultimately of reporting to their respective governments the result of their research and the remedies it is proposed to adopt to meet the evil of the conflict of the commercial laws of different countries.

As a necessary consequence to this international trade, coupled with the great facility of locomotion of modern days, a constant shifting of residence—a change of domicile, is taking place; whilst in the case of commercial firms, it continually happens that these have several domiciles. From out of this state of things, conflicts of law arise the instant a bankruptcy occurs; producing injury which only those whose professional duties make acquainted with these questions, and with the present unsatisfactory state of the law, can fully realise.

I leave untouched the important questions arising out of Successions, Inheritances, the Construction of Wills, and the Laws of Marriage; such as the *questio vexata* of community of property, or dotal gifts; nor can I venture to more than allude to Maritime Insurances, the Sales of Personal Property, and the varying laws of different States in regard to these. With this great mass of material before me, I find myself thus constrained to select my subject matter, and shall hence only direct your attention to:

1st. Shares and Stocks of Joint Stock Companies, Debentures (Obligations, Interest), Warrants (Coupons).

2nd. Bills of Exchange, Cheques, and Bills of Lading.

3rd. The Bankruptcy Laws, and the Conflict of Laws arising out of the irreconcilability of the laws of different States.

And first—The dealings in the shares of foreign companies have become a matter of paramount importance. Here the first question that arises is that of the liability of the share and stock holder, upon which subject Lindley, in his treatise on Partnership (foreign companies) tells us that he is by no means certain whether the ruling in the case of the Bank of Australasia v. Nias, 16 Q.B. 717, would take the case of a foreign com-

pany incurring debts in England out of the reach of the protective mantle of limited liability. *Foreign Commandites*, such as the laws of France, Italy, Germany, and other Continental States have recognised—not to mention those of some of our possessions, Mauritius, the Cape of Good Hope—are, I fear, not protected, however much the leaning of our courts might tend to favour the commanditaires. And yet, with all this uncertainty—with the fact before us that, unless protected by some special convention (a convention suspends the law of the land until terminated by lapse of time, or by notice), a shareholder (as happened in the case of the Cavour Canal Company) may be at any moment assailed by a foreign creditor whilst residing or travelling abroad, compelled to give bail, or pay.

Another class of cases arises out of the purchase of foreign securities. How very few have the means of ascertaining the laws of the country with which they are dealing. Take, as illustrative, the law as cited in a pamphlet before me, and which I have verified, of the State of Ohio, under which a stockholder is liable not only for his *unpaid call*, but '*to a further sum equal in amount to such stock.*' The same law is now in force (by the Consolidated Acts) in the States of Pennsylvania and New York. A moment's reflection would tell anyone acquainted with the extent and wide distribution of these investments, how terribly perilous it is to hold stocks in any of these States until, by some mutual understanding between the countries, the law has been defined.

The next question I would wish to submit to you is that of the transfer of stock and shares; likewise that of the transfer of debentures (obligations).

Shares to bearer, *au porteur*, *Innhaber*, known to our law by the term 'share warrants' (1867 Act), offer less difficulty. The company issuing these has to deal with the question of their validity, and, by the laws of nearly all Continental States, the *onus* of proving *mala fides* falls upon the recusant company. But in the case of shares nominative very different rules apply, of which the case of the Erie Railway Stock may be taken as illustrative. Dealings of this description in foreign countries are large; share certificates, nominative or to bearer, are issued, the company promising to transfer in their books (register of shareholders) the share or shares stated on the certificate, upon its production and delivery. But until transferred, the original vendor, the man whose name appears on the register, is the only legal owner; the gravest questions thus arise in cases of fraud or bankruptcy, imperilling the property

of the foreign purchaser, whose only title is the certificate, or promise to transfer, granted by the company. In other words, the purchaser only possesses an equity; the legal estate being vested in some unknown person. Other difficulties also arise in the mode of transfer. Thus, the German law recognises three modes of passing property in shares:—1. By transfer on the register (nominative shares). 2. By delivery (*au porteur*). 3. By endorsement on the share certificate. I ask what rule of law is to govern where the shares of a German company are sold in a foreign country? Is the *lex loci contractus* to rule, or *rei sitæ* of the company analogous to realty?

Important as these questions are, those that arise out of the implied agency of the Board of Directors, Management (*Vorstand*), involve points of even greater complicacy.

The laws of joint stock companies group themselves into two distinct systems, namely, the theory of a corporate body, adopted by Continental jurists; the *Italio-Franco*, and *German-Italian system;* and that known as the English system, developed by our Courts of Equity and accepted by the laws of the United States; namely, the *partnership theory*, the *Societies* of the Civil Law. The Continental theory bases itself upon the clearly defined scientific conception of a Joint Stock Association, in which the individual (*Juridical*) existence of the share or stock holder merges; a *Vermögensgenossenschaft*,* to use the word employed by Otto Gierke in his excellent treatise † on Corporations; or by the learned M. Renaud, or M. Massé. Whilst the latter, the English lawyer, clings to the notion of a partnership; a *quasi societas.*

From this divergence in the very inception of the notion of a joint stock company most important consequences follow in regard to: 1st, *the legal quality*, if I may be allowed this term, of the statutes, or articles of association, or deed of incorporation; 2nd, the rights and liabilities of shareholders, and the remedies for and against them; 3rd, the power, scope of authority, of the management board (*Vorstand*), to bind the company. I will deal with the latter question only.

If the company partakes of the character of an ordinary partnership, the laws of agent and principal apply; if on the contrary the Continental system is taken as our guide, no such rule is applicable. A director, a manager, merely assumes the character of an officer of a corporate body, like that of a servant of a municipal body. His powers are *not* delegated;

---

* Otto Gierke. *Das Genossenschaftsrecht*, 1868.

† Achilles Renaud, 1863. Massé, *Droit Comm.*, 1868.

he becomes clothed with authority by virtue of his office. The direction, management, is hence but an executive bureau. From this it follows that, in dealing with foreign companies, it becomes imperative to study the laws of each country; the statutes under which they have obtained their legal existence, in order to ascertain whether an act is legal or not.

I refrain from occupying further time in pointing out at what juncture the laws conflict; where and how the rights of parties collide. I believe I have said enough to convince you of the dangers we have to face. But when I turn to the liquidations of Share Companies, whether such result from insolvency, or to effect an amalgamation with another company, I admit that I stand appalled at the dread uncertainty of the law. The collecting of calls, marshalling of creditors, the necessary notices, and the final distributions of assets, what an endless number of difficulties arise out of these questions!

Second. This group of cases range themselves under the heading of *bills of exchange* (*Wechsel; traites; lettres de change*).

The widespread adoption of the rules of law as laid down by the Code de Commerce * in the countries of Continental Europe, renders the consolidating into an international code of the laws of bills of exchange, a task of far greater ease of accomplishment than the assimilating of the laws of joint stock companies; nevertheless, differences exist which ought not to be permitted to continue, more particularly so as the necessary changes required might be made without materially trenching upon the ground of municipal law. I shall trace in mere outline the salient characteristics of these differences.

1st. We have the countries which have adopted the Code de Commerce as their prototype—namely: Belgium, Holland and its Colonies; Italy; several of the most important Cantons of Switzerland; Spain, including the Spanish Colonies; the Republics of South America; then Portugal and its Settlements, not to omit the Empire of the Brazils.

2ndly. The countries which have accepted the German Commercial Code as their model;—namely, the Northern Confederation, the whole of the Southern States, Austria, and Hungary.

3rdly. The Russian Empire; here we find an independent complete Code in force, varying in some minor points, but in the main agreeing with the German Law.

---

* *Code de Comm.*: arts. 110 et seq.

And 4thly. The Bill of Exchange Laws and Customs of Great Britain and its Colonies; with the exception of Mauritius, Malta, Canada (Code de Commerce), the Cape of Good Hope, Ceylon, Natal, Heligoland.

The United States of North America have their special laws relating to bills of exchange; though as a system, if the term system can be applied, the rules and customs resemble those in force in Great Britain.

It may be of interest to state the totals of areas covered by these systems; thus we find that the Code de Commerce has spread over an area of 507,500 square miles, containing a population of 233,700,000 souls; whilst the system I shall call the English system, covers 509,400 square miles, with a population of 252,000,000; the German Law, occupying an area only 32,130 square miles, peopled by 71,600,000 inhabitants; whilst the Russian Commercial Code occupies 372,000 square miles, with 71,000,000 inhabitants.

Having thus far sketched out our ground, I will now proceed to explain the salient divergencies which characterise the different systems.

The laws of Germany render it necessary to state on the face of the instrument that it purports to be a bill of exchange;—this is not required by the English law, nor by the laws of the Northern States of America. Again the Code de Commerce (I repeat that this includes the vast area of countries I have above enumerated) requires that the value shall be stated on the face of the bill by the maker or drawer; likewise that an *endorsement proper* should set forth the *bon pour*. This is not necessary according to the laws of England or America.

Bills drawn to bearer, *au porteur*, are wholly void according to the laws of Russia, Germany, and the Code de Commerce; whilst the English law, the American and Danish laws, permit this.

We may trace other divergencies between the laws of these States in regard to the duplicates, or second, third, and multiple copies of bills of exchange; the laws of England, Denmark, the Code de Commerce require the resolutory clause, (the words 'Second or third unpaid') *to be* inserted, which the German law dispenses with.

In the endorsement on bills we may likewise trace great divergencies between the different systems. The Code de Commerce makes a blank endorsement to this extent void, that the bill does not pass, save as an overdue bill, the endorsement operating at the most as a mandate, a power of attorney.

In England and America on the contrary, blank endorsements pass the property in the bill.

Other rules might likewise be mentioned,—such as the *distantia loci* which still exists in the case of promissory notes in Germany, or as regards *Protests.* Here the fact of timely protest protects the rights of the holder as against other parties to the bill, which otherwise become forfeited, or relegated to a less favourable position; whilst the English and American laws do not pay any regard to the protest, but require notice of the dishonour to be promptly given; the Code de Commerce, the German law, on the contrary, dispenses with such notices, requiring, however, that proceedings shall be taken after a certain time from the date of dishonour.

In Spain, to further illustrate the many differences the study of this question brings before the notice of the jurist, the wrongful keeping back of a draft left for acceptance, is construed into an acceptance; whilst the Code de Commerce only allows damages,—the English law requiring positive acceptance in express terms.

It is necessary, however, that I should conclude, and in doing so I shall only briefly allude to the time of prescription in different countries. In Germany thirty years, in France five years, in England six years, are the limits of time prescribed by law to bar proceedings on a Bill or Note.

I believe I have now stated enough to satisfy you that the codifying of the commercial international laws of Europe is a necessity of far greater moment than a mere cursory glance would disclose, even to a skilled observer.—Complex as the differences are that affect dealings in foreign shares and negotiable instruments, the rules of law by which the *lex loci contractus*, or the *lex loci solutionis* (on this point I refer you to 'Byles on Bills,'* and Story's 'Conflict of Laws'†), as the case may be, govern, control the contract, infinitely augment the difficulty. Indeed the most complicated rights are represented in an ordinary foreign bill of exchange, with the names of half-a-dozen endorsers, residing in different countries, governed by different laws. I feel certain that few bankers or merchants would touch such an instrument, or deal in such securities, if they could be made to understand these difficulties. But the *necessity*, the urgency of need, to transfer sums of money from one country to another, has made danger familiar—like our

---

* *Byles on Bills.* Of the Effect of Foreign Law relating to Bills of Exchange, etc., p. 391.

† Story, *Conflict of Laws*, 32.

wretched system of transfer of land,—men must have land; they cannot live in mid-air, and hence accept in their need just what offers—defective, marvellously complicated titles. But because the need is so great, the more the necessity for jurists to join together and formulate into shape a common Commercial Code for all the European countries.

In support of what I have said I beg to refer to the treatises of—Dr. S. Borchardt (Wechselgesetze), Goldschmidt (Zeitschrift f. Handelsrecht), Esperson (Diritto cambiario internationale. Firenze, 1870); the works of Dr. Friedrich, A. Biener* (Wechselrechtliche Abhandlungen); those of Hoechster, Levi, St. Joseph, and Sucré.

Having thus far sketched out the points of divergence in regard to the laws of joint stock companies and bills of exchange, I shall now deal with the questions arising out of the transfer of bills of lading by delivery and endorsement. The negotiability of a bill of lading rests either upon the form of the document—that is, the mere fact of an endorsement passes the property (without *dinunciatio*) (even Emerigon admits this, p. 312), or it rests upon a juridical principle, upon a legal right. Thus the holder may possess all the rights of a bill of lading holder, or he may possess, as against the shipmaster and owner, an independent right of action, not a derivative right; or he may claim a right against the unpaid shipowner. A moment's reflection will tell us that from out these legal theories a multiplicity of questions must arise whenever we have to apply the doctrines of the *lex loci contractus et solutionis*. Thus the *bonâ-fide* holder for value (without notice) enjoys all but universal protection, the 18 and 19 Vict. c. 3, s. 1, extending to the holder for value the protection the Code de Commerce, the Commercial Codes of Germany and Russia, give to the purchaser for value (Abbott: 'Merchant Ships and Seamen,' 1867 ed., p. 297); 'Story on the Conflict of Laws' (s. 280); 'Goldschmidt, Handelsrecht,' pp. 664 et seq.). This agreement in principle does not, however, remedy the difficult questions which arise out of the fact of the varying definitions given to notice, to *bona fides*, by jurists of different countries. As regards the *form* required by law, the 281st clause of the Code de Commerce sets forth that the *quality*, *quantity*, marks, name of consignor, name of consignee, price of freight, place

* A. Biener (*Wechselrechtliche Abhand.*: Leipzig. 1859) raises the question whether the endorsement of a bill of exchange is a sale, or an assignment of a chose in action, *Forderung;* a very important distinction, which receives additional weight from the application of the rule of law of the *lex loci contractus.* 'A bill of exchange,' says Biener, 'is a *mandatum solvendi*, not a *cessio cum delegatione.*'

of loading and place of unloading, shall be mentioned, in which respect the codes of Holland and Spain agree; whilst, according to the English law, a mere receipt, no matter how informal, passes the interest in the goods. The American laws, following those of England, do not require the *quality* of the merchandise to be named. Other questions likewise arise respecting the emission of duplicates. The French law requires the insertion of the resolutory clause; likewise that the bills of lading shall be signed within twenty-four hours, whilst our laws do not make this imperative.

I have purposely abstained from alluding to questions arising out of contracts of affreightment proper; marine insurances; patent and copyrights; trade marks; or contracts of sale of personal property. The bare mention of these matters warns us of the endless number of questions that must arise out of our vast international trade.

Third.—*Bankruptcy and Insolvency.* Here I am met at the threshold of my inquiry by the questions the illustrious and learned Mr. Justice Story puts in his treatise on the conflict of laws, namely:

1st, as to the status of a bankrupt; 2nd, his discharge or rehabilitation; 3rd, the bankruptcy of a firm having trading houses in different countries; 4th, the compulsory assignment consequent to bankruptcy;—and 5th, the rights of home creditors, and the rights of foreign preferent creditors.

For my purpose it will suffice to single out one of these points (No. 2), namely the discharge of a bankrupt. There can be no doubt of the soundness of the law as laid down in the case of Ogden and Saunders, 12 Wheaton 213,—namely, "that a discharge under State insolvent laws, being judicial in its nature, can only bind parties within the jurisdiction of the State."

In other words, the disabilities growing out of a bankruptcy are local,—and a bankrupt may be *civiliter mortuus* in one State, solvent and a free agent in another, restricted in his rights in a third. Thus the American laws not only forbid the discharge of the debtor, but actually disallow the distribution of the assets of the bankrupt estate within its jurisdiction unless such distribution be in accordance with priorities recognised by the American law. (Westlake, Private International Law, p. 269.)

I believe I have said enough to satisfy you that it is desirable that an *International Code* should be framed assimilating the commercial laws of foreign countries and those of England into one system. The result of the labours of the Conference

of Ghent are now before the public; on the 10th of this month eight delegates of the Conference meet at Brussels to attend a Conference there, and further discuss the important questions raised at Ghent. Supported by the names of M. Asser, M. Bluntschli, M. Besalrasam, Mr. David Dudley Field, and many more, I may venture to affirm, that a strong feeling exists amongst eminent jurists, favouring the introduction of an International Commercial Code for Europe and America.

The second point raised: namely, the practicability of effecting the assimilation of the laws of England and other States may I believe be answered satisfactorily.

The universal adoption of the Code de Commerce, the great similarity of the commercial laws of Germany and Russia with those of the Code de Commerce, render the assimilation of the laws of the different European countries a task within the reach of jurists.

Borchardt, in his introductory pages to his treatise on *Negotiable Instruments*, says that "the codifying of the laws of bills of exchange is quite within the range of practicability." Equally possible is the assimilation of the laws of bills of lading; that of contracts of affreightment, of trade marks; protective conventions between various States having already paved the way. I think hence that to a great extent the commercial laws are ripe for the process of assimilation and incorporation into one common International Code.

In order to effect this I would suggest that our first efforts should be directed towards codifying the laws regulating *negotiable instruments.*

Once having accomplished this, the laws of joint stock companies might be next in order. It is true that here I shall be met by the jealous caution of the municipal law; the *anonyme*, the share company, owe their existence entirely to legislative Acts, consequently a stiffness, an unyieldingness characterises the rules which regulate them. Nevertheless this might be done. We might by conventions with the European and American States, regulate the principles which are to govern the registration of companies, the emission of shares, the issue of bonds or obligations, the extent and nature of the power of the board of direction; and finally we might define the effect and extent of a liquidation, both as regards the rights and liabilities of shareholders and the position of creditors.

I shall be asked by what machinery is all this work to be accomplished. My reply is: do what the Ghent and Brussels Conventions are doing. Form into committees, invite jurists

from other countries to take part in the discussions, attend the conventions on the Continent, and I feel certain that before many years have passed a well-considered plan will have been matured, fit for the consideration of the legislatures of this and other countries.

DISCUSSION.

Mr. T. E. Holland (London): No doubt there is a tendency towards uniformity of law amongst different nations, and this tendency is most apparent in relation to mercantile law and the customs of merchants. It is therefore not unnatural that attention should be directed towards the possibility of some codification of those laws and customs. The recognition, however, of a *code de commerce* as a distinct department of law is unscientific. It would therefore be desirable, in any attempt at an assimilation of the law of the civilized world, to deal in the first instance with some special topic, such as bills of exchange, and then with others, one by one, as may be convenient and possible.

Mr. A. Edgar (London): Of course every one must agree that very great advantage would arises from the assimilation of the commercial laws of all the civilized nations in the world; but I cannot help being struck even more by the difficulties of the task than by the advantages that would result if the proposed code were established. Taking the very first point brought forward by Mr. Jencken in his paper—viz., the law relating to joint-stock companies—it seems to me to be almost impossible that any attempt to assimilate the laws of all countries on that subject should be successful. You would have to consider such a subject not merely from its legal aspect, but also in connection with the general policies of the different countries, which frequently take different views with respect to it. We have in this country nothing approaching the system of commandite partnership, and unless we adopt something similar, it would be impossible for a codification of the laws on that subject to be carried into effect. It would be well if we could effect an assimilation in the mode of registration in different countries, so that every holder of joint-stock shares in foreign countries might know what liabilities he incurred; but even if that were accomplished, we should have advanced but a very short step on our way to a universal code. As to bankruptcy, what rule or plan should we suggest for adoption? On many subjects we could set a good example to foreign nations; for instance, if the laws of all countries relating to bills of exchange are to be assimilated, the laws of England and of the United States with respect to them should be generally followed, because their effect has been to throw aside all the pomp and circumstance which attach to bills of exchange in Germany, for example, and to reduce the procedure in respect of them to the simplest elements. Our plan, being so advantageous and convenient, would suit

almost every other country in the world. Our laws respecting bills of lading also are more simple than those of any other nation in Europe. But when we come to the subject of bankruptcy, we cannot be so proud of our achievement. We have tried several systems, and we are now trying a new one, which I should be glad to find successful. We don't know enough about the working of foreign systems of bankruptcy, and therefore it would be almost hopeless to attempt to assimilate the laws of the world upon that subject. However, by establishing certain international relations concerning bankruptcy, we might arrive at certain general practical conclusions. Our laws on the limitation of debts differ greatly from those of foreign countries. The laws on the subject differ much in various countries, but the safe rule to adopt would be to reduce the period now allowed for their recovery—below the six years fixed by our Statute of Limitations—that term might have been satisfactory in the time of James I., but now that there are such easy means of communication between different places, it would be more convenient if the term were much reduced. The bill of the Lord Chancellor in reference to real property proposed to reduce the term of prescription greatly, and in the matter of the limitation of debts we ought to follow a similar course. Again, ought we not to repeal the 17th section of the Statute of Frauds relating to the sale of goods, which does not accord with the general Continental systems? The differences relate chiefly to procedure, but substantially the commercial laws of all countries do not essentially differ, the great conflict between them arising out of matters dealt with by our Statute of Limitations and our Statute of Frauds. I agree with Mr. Jencken that we can only approach a universal code gradually. We have made a beginning now at all events, and I hope that at the congress about to take place at Brussels in a few days further success will be attained.

Mr. Frederick Brittain (Sheffield): I wish to bring under the notice of the department the subject of the necessity that exists for the establishment of an international system of law relating to trade-marks. The importance of this matter may be inferred when I state that I have heard a manufacturer say that he would willingly pay 100,000*l.* for the right to use a certain trade-mark. It is a great obstacle to trade that we have no universal law on the subject of the registration of trade-marks. During the past session the subject was brought before the House of Commons by the President of the Board of Trade, who, however, was compelled by pressure of business to withdraw his measure. Probably that Bill will be re-introduced next session, and therefore it would be a great mistake if an association like this were to allow the opportunity to pass without expressing an opinion on the question. In France there is a system of registration of trade-marks, under which, by the payment of a small sum every fifteen years, the sole right to use a particular trade-mark is gained. I have myself seen great injustice worked under our present system. Although I do not altogether approve of the Bill of the President of the Board of Trade, some of its provisions being very objectionable to the commercial classes, still by one of its clauses it would have been possible to obtain a certificate of an exclusive right to the use of a trade-mark on

payment of one shilling. I think the difficulty can only be successfully met by making the registration of trade-marks compulsory, in order to obtain the exclusive right to use it. If our law were to continue as it stands at present on this subject, we should only create confusion by attempting to introduce it into a universal code, because there would be no means of referring to a central registration office where the trade-marks in use throughout the world were registered.

Mr. David Dudley Field (New York): Mr. Jencken's paper is an admirable one. This is not the first time that this subject has been discussed in this department. At the session held at Manchester, in 1866, on my motion a committee was appointed consisting of jurists of different nations to prepare the outlines of an international code, which were to be submitted to the congress at some future session for revision and consideration. On the committee there were represented England, France, America, Denmark, Germany, Holland, Belgium, Spain, Prussia, and other countries. We agreed to divide the work into various portions, each country taking up one subject, and to exchange our work amongst ourselves, with the view of eliciting criticisms, and to meet eventually to perfect the whole. We found, however, that, owing to distance, this plan was impracticable, and therefore I thought I would do what I could to prepare, as the mover of the committee, the outlines of an international code, and the results of my labour I propose to lay before the congress during this present session. In the meantime the subject has been very fully discussed in America. It has been determined to call together on the 10th of October (this month) a congress at Brussels, to secure the co-operation of jurists of different countries for founding an institution which should have for its object the establishment of an international code. We hope to have at Brussels a meeting which will decide two questions: first, whether an international code ought to be formed, and secondly, if so, what are the proper measures that should be taken to frame it? On the 8th of September I attended, at Ghent, a meeting for the purpose of taking the necessary steps for preparing a draft international code. Eleven of us sat down together in a room provided by the municipality of Ghent—the same room in which the treaty between England and the United States of America was drawn up in 1812. We there formed an institute consisting of not more than fifty members, and we apportioned certain topics for consideration during the present year, and agreed to meet again at Geneva on the last Monday in August next year. In the meantime a committee was appointed to consider the subject of international arbitration, its desirableness, its expediency, and the rules by which it should be governed, if adopted; secondly, the three rules of the Treaty of Washington, and how far it is desirable that they should be urged by Great Britain and America on all other countries, as provided by the treaty; and, thirdly, the codification of international private law. Lastly, that conference appointed a committee of eight to attend the conference at Brussels on the 10th of October. The latter conference is to determine: first, whether an international code should be framed—the object of the conference at Ghent was tentative, while that at Brussels is intended to be affirma-

tive—that is to say, they will decide whether the code should or should not be formed, and secondly, how the code is to be formed. A committee is to be formed consisting of gentlemen from different parts of the world, who are to make a report on the subject, and submit it to the conference to be held at Geneva, on the last Monday in August next year. Upon that committee we have placed some English gentlemen, who, I understand, hold different views amongst themselves with regard to international arbitration. We hope to satisfy all that, as in all litigation, one party must necessarily be the loser, there is nothing in the mere fact that the decision in the Geneva arbitration was adverse to England that tells against the system of international arbitration. As to the paper which has been read by Mr. Jencken, although it is a most interesting one, it is limited in its subject, which relates chiefly to joint-stock companies, bills of exchange, bankruptcy, and insolvency. As to joint-stock companies, I am not sure how far the provisions which relate to them can be assimilated in different countries, because as each State in America determines for itself what shall be its laws with regard to land, so each State also determines who shall be and who shall not be shareholders in joint-stock companies within its territory, and what their rights and obligations shall be. As to bankruptcy aad insolvency, I do not see any necessity for going further than to give the judicial determination of one country the force of law in another. In England a lawyer may be bankrupt. It is not so with us in America; we confine the liability to persons in business. Indeed it has been made a question with us whether a farmer could be made a bankrupt (the words of the statute being "any person in business"). That, however, is a matter for each nation to determine for itself; and I can easily understand that it would be very difficult to induce different nations, having different circumstances, to agree on a uniform law of bankruptcy. But this you can do—you can induce them to agree that the adjudication in bankruptcy in one country shall vest the property of the bankrupt in all other countries in his assignee. With regard to bills of exchange, however, there can be no doubt that the discrepancy between the laws of different countries is a great inconvenience, and ought to be abolished. One important difference between the laws of various countries on this subject, is that which relates to days of grace. Thus in France there are no days of grace; while in England you give three days of grace. We propose to do away with days of grace altogether, as being an absurdity in these days. Then, as regards the negotiability of bills of lading, we shall provide for making them negotiable instruments generally in our international code. We shall also provide for trade-marks, copyrights, patent rights, telegraphs, postal money-orders, and international coinage. With regard to the latter subject, it is inconvenient that each country has its own coinage. On arriving in this country I found that my American money was of no use, and I accordingly changed it for English money. On arriving at Ghent I found that my English money was of no use, and I was obliged to change it for French money; and when I reached Holland the same thing happened. To remedy this inconvenience

we propose to establish a system of international coinage, which was nearly adopted by the International Coinage Convention which was held in Paris during the Exposition. It was there proposed that there should be but one gold piece for use throughout the world, which would nearly equal a double eagle in America, 25 francs in France, and 1*l.* in England. The alteration which would be necessary in the American gold piece would be but slight; none in that of France, and but little in that of England. If the proposal should be adopted, we could take our gold pieces all over the world, and find them current everywhere. Then there are the laws which relate to contracts, which vary widely in different nations. In the first place, what is a contract? The law of France provides that a contract must be reduced to writing; and in that country they pay very little attention to verbal contracts. Supposing, however, that two Frenchmen enter into a verbal contract in England, can it be enforced? Certainly not in France. Therefore it is most important that there should be a uniform law on this subject for all countries in the world. Take, again, the subject of testaments. I don't think that there is a lawyer in the world who can tell me, under all circumstances, whether a document is a valid testament or not. Let me put to you a case. On board the ship in which I came over to England the other day we had a very motley company. We had Frenchmen, Italians, Englishmen, and Americans on board. Supposing one of the Frenchmen, when on board the ship, had made his will according to the forms of English law. Would the will have been valid in France, Holland, or Belgium? Then, again, there are the laws which relate to marriage and divorce. Can you tell me whether, in the case of an English marriage, a divorce in France is valid in this country? It would doubtless be valid in France; and it would perhaps be invalid in this country. What is the rule in such cases? The necessity exists for some uniform law on these subjects. It is impossible to continue under the present inconvenient system, under which now a man may have two or more lawful wives. Thus, a man may be married in England and divorced in France. You don't admit the validity of the French divorce, and therefore regard his English wife as being his lawful wife, notwithstanding the French divorce. In France, where the divorce is regarded as valid, he marries another wife, who, in that country, will be held to be his legal wife; and thus he may have one lawful wife in England, and another lawful wife in France. These are mere examples, which show the imperative necessity for an international code. Mr. Edgar has referred to the laws relating to prescription. I don't know that you can assimilate those laws, but I would suggest that whenever a suit is bad in England on an English contract, it should be held bad all over the world.

Mr. Thomas Webster, Q.C., F.R.S.: It would be well if we could impress upon our minds that each nation should make its own laws on matters of internal administration; and I make this statement more especially with regard to what took place at the International Patent Congress, which has recently been held in Vienna. They started there with the notion that it was desirable to establish an international

patent law, and to endeavour to assimilate it with the international copyright law, quite forgetting the distinctions between the two subjects. But although these two systems of law are widely different in essential respects, they are alike in this—that they recognize property in intellectual work. In my opinion there is a considerable difference between industrial rights which are secured by patents, and intellectual rights the result of intellectual labour in the fine arts, which are protected by copyrights. There are many cases in which the laws of the world on a particular subject may well be the same; and, as regards copyright, patents, and trade-marks, you may say that the man who first gives a thing to the world should have the exclusive property of it. At the Vienna International Patent Congress, which consisted of a large number of persons—sometimes one hundred together—they drew a distinction between the author and inventor and the appropriator of the author's and inventor's rights—the pirate or the introducer of an invention into other countries; and they recommended that no patent should be granted to the latter, and that all rights in an invention should be confined to the inventor himself and his legal representatives. If such a rule were adopted, it would put an end to piracies. There are persons in America who make it their business to keep a careful watch for new patents and inventions in that country, and immediately come over here and appropriate them. Now, inasmuch as property in intellectual labour is common to all the world, there can be no reason why all nations should not recognize that the author or his representatives should not alone have the right to his invention. The laws of the different countries on this subject, to this extent, might therefore very properly be assimilated. But when you come to the administrative system, under which the property is to be secured to the inventor by copyright, patent, or trade-mark, and to the forms of specification and the regulation of patents, I think that these are matters that should be left to each country to deal with as it thinks fit. Therefore, if you are dealing with international laws, as they affect intellectual labour, you may assimilate them as far as they relate to the mere recognition of the right of the inventor to the exclusive use of his invention; but you must leave to each country the power of declaring how that right shall be given and enforced. If these distinctions are kept clearly in mind, we shall not be very far from a solution of the difficulty. With regard to trade-marks, I cannot understand why there is such a great opposition raised to the registration of trade-marks. Only when the law of this country gives a man a property in his trade-mark, that he should not be too glad to register it, and to acquire an indefeasible title to it without expense or delay, is incomprehensible, unless it be that there are so many pirates in the world, that nearly every man would rather steal his rival's trade-mark than be content with his own. Let us hope that the steps which have been taken in this matter lately will lead to that uniformity in the laws of the various countries which concurrent history indicates will be the rule of the future.

Mr. E. E. Kay, Q.C.: Looking at the question rather as an outsider, it appears to me that we have entered upon a field rather wider than was

contemplated by the Social Science Congress. What I look for as the object of the Social Science Congress is some practical suggestion for amending our own laws. Having that object only in view, what we should aim at in this particular discussion is, first of all, to define how far we can, with any hope of success, enter on a course of codification of international law. From that enquiry we have wandered a little, and a good many of the observations which have been made appear to point rather to an assimilation of the law of England to that of other countries on matters which do not come strictly within the scope of international law. The laws relating to bankruptcy, joint-stock companies, patents, and trade-marks, are not commonly understood to come within the province of international law. It might probably be a very good thing to have uniform laws throughout the world on these subjects; but when one sees the extreme difficulty of codifying the laws of any one country, and the disastrous failures which have resulted from such attempts in this country, one despairs of success in codifying the laws of the whole world. Probably our best course would be to abstain from attempting to establish a general international code, and to confine our efforts to improving our present international law in reference to those subjects which it usually embraces. The province of international law is pretty well understood, and I can readily believe that lawyers from all parts of the world would cheerfully meet and agree upon some universal code of international law; but if you were to attempt to bring within that code matters other than those which are usually regarded as coming within its scope, your difficulties would be increased enormously. I cannot help hoping with Mr. Field, however, that some practical result will flow from what has recently taken place on this subject. I trust that the arbitration which has taken place between our own country and that of which Mr. Field is an ornament will be a step in the right direction, because it resulted in a practical confession that the international law upon the great subject in dispute was altogether imperfect and inadequate to the present state of things; and it was because this fact was so clearly acknowledged that this country assented to the new rules being laid down—rules which, although they have not yet been generally adopted, we hope will be eventually accepted as a part of the international law of the world. It appears to me that, instead of attempting to establish a general international code, we should endeavour to make a code of our own in England which should be so superior to every other legal system that it would be universally adopted throughout the world. I listened with very great interest to the remarks of the gentleman who represents the commercial community upon the subject of trade-marks. The law of England upon that subject formerly was that a man had no property whatever in a trade-mark, as it did not come within the copyright law, and that the only relief that could be afforded him against the person who was forging his trade-mark was that the latter could be punished for committing a fraud on the public. Under that interpretation of the law Lord Hatherley, in the case of *The Carron Company* v. *Brown*, held that a foreigner was equally entitled to relief against the forger of his trade-mark, on the ground that the latter was committing a fraud, as if he

were a native of this country, provided the fraud were committed within the jurisdiction of the Court. Lord Westbury, however, in overruling the decision of that very great judge, Sir William Grey, who preceded him, said that the law ought to be placed upon a sounder footing, and that he saw no reason why a trade-mark should not be regarded as an article of property as much as any other description of property. Of course this latter ruling would apply equally to the foreigner as to the native-born subject. There appears to me to be one or two stray objections to the enforcement of registration of trade-marks. What additional security can registration give me when I am already entitled to the protection of the law in the exclusive use of my trade-mark? There would be no advantage derived from publicity, because no system of indexing could render it easy to find any particular trade-mark amongst all the trade-marks in use throughout the world. If registration were rendered compulsory these consequences might happen. A man might register a particular trade-mark and might never bring out the article to which he had intended to affix it, and thus all the world would be prevented from using a trade-mark which never came into use at all. The only reason for the use of trade-marks is that they have become a symbol to the mercantile world of goods which have a certain market value. Thus the trade-mark actually acquires a value as an article of property, and other people imitate it because they find it to possess a value. I think I have shown, therefore, that registration would not give any greater security to the exclusive use of a trade-mark, and that it is open to many objections which do not apply to the existing law. I do not apprehend that the mercantile community could want more than an easy and ready remedy in a case where a man shows that the trade-mark which is recognized in the market as used by him alone has been imitated by another person, whether innocently or otherwise, and that remedy he possesses under the existing law. The suggestion that I venture to offer to the department as likely to lead to the result we all desire is, that we should follow up and perfect as far as possible in this country the very praiseworthy efforts that have already been made, which Mr. Field assures us are very likely to produce fruit, to codify that which, strictly speaking, is within the scope of international law, while we endeavour to frame a code of our own with respect to several other subjects which do not strictly fall within that scope, and thus to render our law so perfect as to induce other countries to adopt it.

Mr. De Meschin, LL.D. (London): I am sorry that I cannot agree with the last speaker. As I understand him, he proposes to codify only what is usually called international law. I apprehend, however, that what is proposed by the reader of the paper, and by Mr. Field, which is to codify the law with respect to bills of exchange and other mercantile matters, would be much more likely to result in success. Millions of money are lost every year through the want of an international code relating to bills of exchange, whereas very few persons suffer in consequence of any defects in international law proper. If we want to obtain a code of international law, the best way is to commence with a subject that interests the whole of the business men in the world, and

in respect of which they suffer loss. I believe it is said that the railways of America are constructed with English capital. How many of the English holders of American railway stock know that they are liable for double the amount of their stock in the State of Ohio? They would find other things equally remarkable in the thirty-seven States of America, each of which has its own laws relating to railways. Under the present system it behoves every would-be shareholder of American railway stock, if he wishes to invest his money securely, to study the laws of these thirty-seven States. If the laws were assimilated on this subject, far larger investments of capital in American railways would be made, because nothing frightens away capital so much as insecurity. It is therefore for the benefit of the American States that their laws should be uniform and clear.

Mr. JENCKEN, in reply, said: Mr. Kay proposes, with regard to trade-marks, to give us a chance of going into a Court of Equity to establish them, instead of obtaining an indefeasible right to the exclusive use of them by registering them. I do not think that the commercial community would prefer his plan to the more simple one we suggest. I only differ from Mr. Dudley Field in one point, and that is, that he takes us a little too far by introducing the questions of testament, domicile, and so on, which I do not think could possibly be introduced into a commercial code, which I would strictly limit to matters of importance to merchants, such as bills of exchange, commercial securities, and joint-stock companies, and in which the whole of the savings of the community are invested. These subjects are of paramount importance, seeing the demand there is for safe investments. I may mention that the worthy citizens of Indiana have passed a law under which no stock can be held by anyone who is not domiciled within the State. This shows how necessary it is to enquire into the laws of a country before purchasing its securities, and the difficulties are increased by the continual changes that are being made in those laws.

The CHAIRMAN (Mr. Brown, Q.C.): I must, in the first place, congratulate this department on our meeting in a room which once formed the Court of the father of English law. I refer to Sir Edward Coke, whose portrait hangs at my side on its walls, who was once Recorder of this city for a great many years, and who was brought up in one of its old grammar schools. I trust that the very able and interesting paper which we have listened to will be translated into French, German, and Italian, so that it may exercise a just influence upon the minds of foreign jurists as well as our own. I may perhaps be allowed to mention a very curious case that came before the Privy Council a year or two ago, which illustrates very aptly the evils arising from the want of similarity between the bankrupt laws of this country and of her colonies. A merchant who carried on business at the Cape of Good Hope on his marriage with his wife settled upon her 20,000*l.* in due form according to the law of England. At the time he executed the settlement he was worth 40,000*l.* Having returned to this country, he left his business at the Cape of Good Hope in the hands of a manager, under whose management the business failed, and the merchant was made bankrupt in the Cape of Good Hope. On the bankruptcy taking place, the Cape

creditors claimed the right of setting aside the marriage settlement which had been executed in this country years before, and which formed the sole provision for the bankrupt's wife and family. It was at first supposed that the settlement was as perfectly good under the laws of the Cape of Good Hope as it was under the laws of this country; but it eventually turned out, that by an ordinance of the Emperor Charles V., made in 1544 at Brussels, whilst he was King of Spain and Holland, that any settlement should be utterly null and void as against creditors. This ordinance applying to the Cape of Good Hope, and it never having been repealed, the settlement to which I have referred was set aside, and all the property of the bankrupt's wife was swept away. There was an appeal against the decision of the Privy Council, and we had to refer to the Dutch law on the matter. The Privy Council held that the ordinance in question had been imported into the law of the Cape of Good Hope, and was still in force, notwithstanding that the same ordinance contained a paragraph decreeing the extirpation of heretics by fire and sword. Our argument that the latter part of the ordinance was a proof that it was obsolete did not prevail, and the result was that the settlement was set aside. We, however, were fortunate enough to save a portion of the fund, by discovering that under the Dutch law the person in whose favour the settlement was made was entitled to prove like any other creditor. That is an example of the great misfortunes that may result to individuals in consequence of the variation between the laws of different countries. The importance of this subject is growing daily, owing to the increasing intercourse between nations, resulting from the introduction of railways, steamboats, and telegraphs. I confess that when I first read the title of the paper I thought that the thing was hopeless, on account of the extreme difficulty of carrying out such a proposal. If we wanted an illustration of the difficulties to be encountered, we may take the case of Scotland, which has been for so long under the same government as ourselves, and yet whose laws are different from ours in many essential respects. It is a positive fact that at this moment in Scotland a boy of 14 years of age can contract debts, and bind himself to pay them if he engages in trade, although in this country such an engagement would be null and void. That is a striking difference between the laws of the two countries. Twenty years ago the Royal Commissioners appointed to enquire and ascertain how the mercantile laws in the different parts of the United Kingdom of Great Britain and Ireland could be advantageously assimilated, reported in favour of the repeal of the Statute of Frauds. "We are of opinion," they said, "that no party to a contract of sale of goods should be enabled to withdraw from the bargain merely because it has not been accompanied or followed by writing or some other ceremony. For obvious reasons the important business of buying and selling ought not to be trammelled with unnecessary solemnities, and such transactions, if they be satisfactorily proved by legal evidence of any kind, ought to be binding. While it appears from all the evidence that we have received from Scotland that no inconvenience is experienced in that country from the extensive class of transactions being thus left untrammelled, the evidence as to

the practical working of the English and Irish rule is of a different tendency. The general contravention of the rule of the laws of England and Ireland in the practice of the great commercial emporiums of these countries, whereby most of the innumerable sales which are there daily taking place are left out of the protection of the law, indicates that the requirements of the 17th section of the English Statute of Frauds and the corresponding section of the Irish Statute are not now adapted to the practical management of commercial business. We therefore recommend that that portion of those Acts should be repealed, and that the laws of England and Ireland should in this respect be assimilated to the simpler rule of the common law observed in Scotland."

In conformity with the recommendation of the Commissioners, a Bill to amend the laws of England and Ireland affecting trade and commerce, introduced in 1856, contained a clause abolishing the provisions of the Statute of Frauds referred to. That Bill passed the House of Commons in its entirety, but the House of Lords struck out the clause, and at this hour, if you make a verbal contract for the sale of goods over 10*l.* in value, it is good for nothing. This shows the difficulty of assimilating the laws of two countries which are even under the same government. How much greater therefore will the difficulty be when we attempt to assimilate the laws of foreign nations. But, notwithstanding we move thus slowly, I am still hopeful that we shall by our convincing arguments move, first the lawyers, then the public, and finally the ministers of the different countries, to make such an assimilation of their laws as is necessary to meet the requirements of modern times. There are one or two things that make me the more hopeful of our ultimate success—we have in a large degree assimilated the languages of different countries, and within the last forty years I have seen abroad a practical assimilation of dress. In travelling in foreign countries you no longer see the variety of dress that was so remarkable at one time. Then again, there has also been a practical assimilation of money abroad. When one used first to travel in Germany and Switzerland, one had to change one's money half-a-dozen times, whereas now French money is taken almost everywhere except in Germany. There is also a movement on foot for the assimilation of weights and measures throughout Europe. Much has not yet been done in this direction, great obstacles having been thrown in the way,—yet I cannot help thinking that it only needs the combined efforts of the different jurists, aided by such societies as our own, to point out constantly and earnestly the enormous mischiefs flowing from the present system to induce, first the lawyers, then the public, and finally the various governments to move in the matter. Without doubt the way indicated by Mr. Jencken in his valuable paper is the right one for us to adopt—that is to say, to bring the movement to bear upon those matters of international interest which peculiarly affect the mercantile community, so as to pave the way for dealing with other matters of equal importance.

FRAMING OF ACTS OF PARLIAMENT.

In what manner may the Framing and Passing of Acts of Parliament be improved? By T. ERSKINE HOLLAND, *B.C.L., Barrister-at-Law.*

LAW which does not originate with the Legislature grows up in a natural and spontaneous manner. General rules are developed into subordinate ones, and old rules into new ones, just when the development is demanded by the actual relations of society. The process is the application of old principles to new cases; the deduction of a new conclusion from an old major premise coupled with a new minor one. The result is a symmetrical collection of opinions or decisions on special instances.

An Act of Parliament, on the other hand, is a new creation. It is the essentially artificial handiwork of half-a-dozen or a score of individuals, who, with the assent (or without the active dissent) of the nation to some measure of the sort, but consulting merely their own wishes as to the particular measure in question, manage to get it through its stages in both Houses. It is the conscious enunciation of general principles, without any reference to actual cases.

Now, this responsible function—of consciously creating new general rules of law—demands for its proper exercise knowledge of two kinds, which I shall take the liberty of distinguishing by two terms, which, though they may at first sound somewhat pedantic, are really indispensable in a discussion of this kind; I mean, material knowledge, which deals with the policy, scope, contents, and working of a law; and formal knowledge, which deals with its fit expression.

I. The matter of a law includes all the circumstances with which the law has to deal, whether it be the transfer of land, or the status of married women, or trades unions, or bills of exchange; among which circumstances is included the previous state of the law upon the subject in question.

Upon this point I shall only say that Parliament is in general fairly well informed (either through specially qualified members, or from evidence taken by committees or commissions) of the state of facts with reference to which it is about to legislate; except as to one most important fact, the previous state of the law upon the subject. It might, therefore, be desirable that Parliament, before legislating upon complicated topics, should be furnished with a carefully executed

account of the existing law on that topic, and perhaps occasionally with a statement of the analogous law in foreign countries.

II. I pass on at once to the second point, the form in which the new rules introduced by the Legislature are embodied, because here we arrive at the question which the Association proposes to-day for our consideration, as to the manner of framing Acts of Parliament. The Association combines with this a question as to the passing of Acts of Parliament, which is, I imagine, meant to be subsidiary to the other. It is thus, at any rate, that I intend to treat it. I shall deal with the passing of Acts of Parliament merely as a question of friction, merely as it affects the practicability of framing Acts of Parliament in the best possible manner.

The style in which Acts of Parliament are framed or drawn, seems at length to be attracting the attention which it deserves. On several occasions during the past year, the Judges have complained of the hopeless unintelligibility of the Acts which they are called upon to interpret; and Lord Salisbury has done admirable service by protesting against the vicious draftsmanship of many of the bills which come before him in the House of Lords.

I propose to ask your attention, and your assent, to certain canons of drafting, to the neglect, or rather to the ignorance, of which I attribute not only those faults which are thus obvious to a statesman who is not a professional lawyer, and which are becoming an intolerable hindrance to the administration of justice, but also other faults which will become unwelcomely apparent, whenever the time arrives for an attempt at codification, or even consolidation on a large scale. The objects which these canons have in view is to ensure that our statute law shall be clear, capable of being easily amended, and of being readily worked up into a code.

Before stating what they are, it may be as well to say at once that I would make conformity to them a condition precedent to the first reading of any "public general" bill, properly so called; but that I should not, at any rate for many years to come, wish to see the same strict supervision exercised over bills of other classes.

Canon 1. In the first place, the language of a statute should be concise, and its terminology apt and consistent.

I put this canon first, because it is the simplest, and because there is probably no draughtsman who does not attempt

in some degree to conform to it. It is, in fact, in this respect that considerable improvement is traceable in the present style of drafting, as compared with the style of twenty or thirty years ago.

A heavy price has, however, been paid for such improvement as has been gained. It is effected mainly by the indiscriminate and unrestricted use of interpretation clauses. I do not for a moment deny that there may be special departments of law in which it is desirable to employ ordinary terms in a slightly technical sense, or technical words with a special shade of meaning; but the fashion at present is to furnish every petty Act on the most ordinary subject with a vocabulary of its own. A statute, occupying perhaps a page altogether, often consists of a couple of sections of operative law, while the rest of it is made up of a sort of slang dictionary. Several bad results follow from this practice. The bulk of the statute-book is, upon the whole, probably increased; but, besides this, a slovenly and inadequate style of expression is encouraged by an expedient intended to do what should be accomplished by clear grammatical writing, and an apt use of terms in their received legal meaning. Moreover, the unity of the law is interfered with. It is impossible to infer from the meaning of a term in one Act what may be its meaning in another Act, even in *pari materia*. What should we think of a Judge who should habitually give notice, on first coming into court, that half-a-dozen words, which he should probably often have occasion to use in the course of the day, would for that day only bear unusual meanings—for instance, that if he mentioned "larceny," he should include under that term embezzlement; and all that he might say with reference to "lunatics" should be equally applicable to married women and infants?

CANON 2. In the second place, the arrangement of a statute should be logical. The draughtsman should have an idea of the relation of his subject to the rest of the law, of the parts of his subject to the whole.

In some of the later statutes, such as "The Companies' Act, 1862," we see the draughtsman master of his materials, knowing the limits of the topic with which he has to deal, and knowing also the parts which go to make up the whole of which it consists. *Mens agitat molem.* But how seldom, especially in the bills of private members, is anything of the sort visible! How seldom are general rules laid down once for all, instead of being repeated with reference to each special application of them!

How seldom do we see that the draughtsman's mind has analysed the questions on which he has had to legislate!

The fact is that there are two, and I suppose only two, possible modes of arrangement of an Act of Parliament or anything else. One is that of logical distribution in accordance with a principle. Imperfect as was the attempt of Gaius to work out an arrangement of this kind, his attempt has influenced the whole subsequent history of legal method. The other is dictated by association of ideas. It is the method of Herodotus, who, when he comes to a word which reminds him of a story, does not hesitate to break the thread of his argument in order to tell it. Of the application of the method to law, we may take the Roman Edict as an example, and we may trace its results in the chaotic sequence of Justinian's Digest and Code.

Of the two, the latter—association of ideas—seems to be the guiding principle of modern legislation. Having made a beginning somehow, the draughtsman mentions, one after another, all the points of the subject which occur to him, just as they happen to come into his head. Finding, however, further on that many things have been forgotten, he throws them into a heap at the end of the bill, and labels it "miscellaneous provisions." If he had really mastered his subject, he would find that it contained no "miscellaneous" topics, but that every topic had its proper place, according to its essential affinities. And this brings me to my next canon, for the draughtsman will not be able to apply his logic, unless he has the ποῦ στῶ of a scientific knowledge of law.

Canon 3. In the third place, therefore, subjects should be grouped for legislative purposes according to their juristic affinities. When law is developed by judicial decision, this may be said to happen naturally; but an unlearned legislator may join together topics which have no connection except in his own brain. We should laugh at a writer upon natural history who should group the creatures of which he treats merely in accordance with some casual characteristic which might happen to associate them together in his mind, such as having long ears, or brown hair; but no less an absurdity is committed by the legislator who jumbles together in consecutive sentences topics which belong to totally distinct departments of jurisprudence.

No doubt it may often be convenient to pass in one Act provisions on subjects which are juristically distinct. In such cases the disparate matters should be treated of in distinct

"parts" of the Act, each of which should be complete in itself—*i.e.* should be intelligible without any reference to the other parts; the test of which would be that each should be capable of being detached from the rest, and fitted into its appropriate place in a code.

I will mention briefly the main distinctions between legal topics established by jurisprudence, which ought to be recognised in a well-drawn bill:—

1. That between public and private law—*i.e.* between, on the one hand, criminal law, laws organising the Government services, the administration of the country, the State Church, and so forth; and, on the other hand, laws regulating the relations of individual citizens one to another. This distinction, of which so little notice is taken amongst ourselves, is in Germany so well understood, that I remember seeing a casual reference to it, quite as a matter of course, in a speech from the throne by the King of Prussia.

2. That between substantive law and procedure.

3. In private law, that between the law of family, the law of property, and the law of contract.

4. That between permanent and transitory provisions.

On these lines should a bill be constructed. I need therefore only say in passing that I think it a great mistake to make the limits of a body of law co-extensive with the transactions of any particular class of the community. If, as Bentham proposed, special codes were drawn up for the benefit of sailors, tradesmen, and so forth, each must necessarily contain a repetition of much that is common to the rest. Even a distinct code of commerce is a mistake. Law refuses thus to be subdivided for mere practical convenience. If particular trades or stations in life are to be provided with special information as to their rights and duties, this should be given in special handy-books, not by subdivisions of the law itself.

Of the distinctions which I enumerated as those which should be recognised in a well-drawn statute, the English legislator is wholly careless. He rambles at his own sweet will from one department to another, utterly ignoring the lines of demarcation between them. He gives a right of property, and in the same breath makes interference with it a misdemeanour; then he is led on (always the slave of association of ideas) to provide that the misdemeanour shall, or shall not, be triable at quarter sessions; that it shall be provable only by certain evidence; that such and such punishment may be given on conviction; and then in the next section we shall probably find him back again in the domain of private law, and dealing

with some formality essential to the creation of the new right. Or, again, the legislator is guided in the grouping of his subject merely by the fact that a number of questions come under the cognisance of the same Government office.

If, instead of allowing himself to be influenced by association of ideas, or by an administrative accident, the legislator were to accept as binding the distinctions which jurisprudence teaches are the essential ones, he would probably find that the matters with which Parliament deals, when properly law-making, may be analysed as follows:—

I. The creation and modification of private rights. II. Procedure for the protection of the same. III. The prohibition of public offences. IV. Procedure for the punishment of the same. V. The creation of new tribunals, civil or criminal. VI. The creation of new administrative authorities. VII. The regulation of the proceedings of the same.

These topics should, as far as possible, be dealt with in separate Acts, but when it is convenient to treat several of them in one Act, a distinct "part" of the Act, capable of being detached from the rest, should be devoted to each topic; and it would be convenient that these parts should succeed one another in a uniform order.

To secure this uniformity of order, and for other purposes, I would propose that it should be compulsory to draw all public general bills in accordance with skeleton forms, which should be supplied to any M.P. who wishes to introduce a bill. Leaving out of consideration the fifth, sixth, and seventh of the topics which I have enumerated—which should always have Acts to themselves—the formula for an ordinary Act of Parliament should be as follows:—

The Preamble (of which it should be enacted, once for all, that the title, and the alternative short title, are integral portions).

Part I. Private rights.

Part II. Procedure for their protection.

Part III. Offences.

Part IV. Procedure for their correction.

Part V. Transitory clauses, *i.e.* saving of life interests, the commencement of the Act, and repeals.*

I have thus stated my three canons. The first would demand in the draughtsman the qualities of a good conveyancer

* I include "repeals" under "transitory clauses," because though in one sense the effect of a repeal is perpetual, yet it really becomes unimportant as soon as the law of the subject is officially re-promulgated without the insertion of the repealed matter.

or special pleader; the second, those of a logician; the third, those of a jurist. Without the exercise of all three sets of qualities, it is impossible that a law, however well-considered may be its matter, can be made satisfactory in point of form.

To ensure the attainment of the latter object, it will be necessary for Parliament to constitute a properly instructed body, which might consist of a small joint-committee of both Houses, aided by two or three legal assessors, and to provide by general orders that no public general bill should be read a first time in either House, without an endorsement testifying that this committee was satisfied of its formal correctness. The same body should keep a watchful eye upon the bill during its subsequent progress, and should be empowered to make any needful clerical emendations between the final third reading and the Royal assent. The proposal that Parliament should part with some of its control over legislation, is of course no novelty. It is of the essence of the scheme for a legislative commission which was so powerfully advocated a year ago by Mr. Fitzjames Stephen, and it is involved in the demand for a distinct "Legal Department of Government," the need for which was so lucidly stated by Mr. Bryce in a recent number of the 'Fortnightly Review.'* The stock objection to such proposals is the assumed reluctance of Parliament to give up any of its prerogatives. I believe that this reluctance has been very much over-estimated. Parliament has gladly empowered several extra-parliamentary authorities to make "provisional orders," which, after a confirmation which is almost a matter of course, have the full force of law; and it has even entrusted to other hands the scrutiny of election petitions. I believe that such hesitation as may now be felt by it in confiding to a new body a certain amount of control over the making of the statute law would disappear, if the precise nature of the delegation proposed were once clearly understood. The proposal is this—that Parliament shall remain the sole judge of what the matter of the law is to be, but shall delegate to experts a limited power of moulding its form. No one who has fairly grasped the distinction between the matter and the form of the law can fail to see that, while the Legislature is alone competent to determine the one, it is totally unsuited to determine the other. Because a testator is obviously the person to decide to whom, and in what proportions, and upon what conditions, his property is to be bequeathed, it by no means follows that he is a fit person to draw his own will, or

* For March 1873.

to alter and re-write the phraseology in which it has been drawn by his professional advisers. The function of a testator is to give instructions as to the disposition of his property, which must be put into technical language by his solicitor. In the same way, the function of a legislature is to determine upon the matter—*i.e.* the policy, scope, and contents of a new statute—leaving to specially trained hands the task of reducing it to proper form, *i.e.* of seeing that it is arranged and expressed as befits an integral part of a complete system of law. I am convinced that Parliament would gladly delegate the latter function, for which it must be aware that it is signally unfitted, to a properly constituted body, which could, above all things, be implicitly trusted never, under cover of improving the expression of the law, to make, or permit to be made, any change, however slight, in the law itself.

So important is it that the criticising authority should have a clear conception of its duty upon this point, that amongst the general orders by which its action should be guided, I should wish to see one providing that the processes of the consolidation of old statutes and of the making of new ones should be kept perfectly distinct. Much may doubtless be urged in favour of their combination. Changes, we will suppose, are contemplated which will affect more or less a whole class of Acts of Parliament; and it is suggested that now is the time to consolidate them into one enactment; or, *vice versâ*, when the number of Acts upon a given subject has become intolerable, and they are to be consolidated, it seems not unnatural that the opportunity should be seized to get rid of a host of blemishes in the old law.

The result of the combination of the processes is, however, that Parliament mistrusts consolidation bills. The so-called "Merchant Shipping Code," for instance, is annually introduced, and as regularly abandoned, because no Government is prepared to expend upon it the time and argument which would be needed to persuade Parliament to pass a bill containing 700 or 800 clauses, most of which may be merely a re-statement of old law, but many of which (and it is very difficult to say how many) contain what is wholly or partially new.

The best course in these cases would, I conceive, be first to introduce a bill embodying such new law, or modification of the old law, as there is a fair chance of carrying; then, so soon as this has passed, to introduce a bill to consolidate it, together with all other Acts upon the subject. Let the greatest care be taken that not the slightest change in the matter of the law be made by any consolidation Act; and Parliament,

when it has become satisfied that such Acts are what they profess to be, and nothing more, will pass them as a matter of course—even when they attain to the portentous dimensions of the "Merchant Shipping Code."

If Parliament passes without any difficulty the "Statute Law Revision Acts," by each of which hundreds of enactments are swept out of the Statute Book, it does so because it has full confidence that those who are engaged in the work of expurgation can be trusted not to schedule any Act that is not really obsolete. Could Parliament be persuaded to accept consolidation bills in the same spirit, the gain would be great, for wholesale consolidation will probably be the first step taken towards the code of the future.

I have thus indicated the manner in which I would submit that the framing of Acts of Parliament is capable of improvement—namely, by the creation of a technically skilled authority, with power to insist that all public general Acts shall conform to certain canons. But the Association invites us to discuss not only the mode of framing, but also the mode of passing, Acts of Parliament.

I have already stated that the latter question will be treated of by me as subordinate to the former, and as mainly a question of the allowance to be made for friction. Given the ideally best mode of drawing statutes, how far is the ideal compatible with the practical necessity of getting bills through their various stages? If the ideal bill could never be passed through a popular assembly, any discussion of its beauties would be a waste of time. I trust that upon this point we shall obtain an expression of opinion from some of our members who have practical acquaintance with Parliamentary procedure. I would, however, ask them and all of you to bear in mind:—

1. First, the reasons which I have already given for thinking it possible to convince Parliament that it may delegate some of its control over the expression of the statutes, without parting in any degree with its power of deciding what the law is to be in substance.

2. That my proposals apply only to "Public General" Acts properly so called, *i.e.* only to a portion even of those which are so described according to the existing practice of Parliament. (Upon the definition of a "Public General" Act, and generally upon the "Classification of the Statutes," I had the honour to address a paper to you on a previous occasion.*)

* April 19, 1869, reprinted, p. 161 of my *Essays on the Form of the Law.* Butterworths. 1870.

3. If it be said that the logical order may sometimes conflict with the order in which it is convenient that the clauses of a bill should be debated, I would submit that it is by no means necessary that clauses should be taken for debate in the order in which they are printed. It is even now quite usual to pass over the preamble and sundry clauses of a bill, and to return to them later. Let therefore a bill be arranged logically, but let those clauses which involve its principle be first dealt with in debate.

I will conclude with a suggestion or two upon the whole matter.

1. Those who are responsible for our legislation would do well to obtain some information as to the machinery which exists for making laws in the chief States of the Continent.

2. The progress now made with the expurgation of the statute-book (the only solid result as yet realised of infinite talk about law reform) invites us to commence at once a process of wholesale consolidation, which must lead to important and beneficial changes in the style of drafting of the future.

3. Lastly, since no large changes in the law are in these days possible by means of judicial interpretation, it has become more than ever important that the work of legislation, by which alone such changes can now be effected, should be carried on with the aid of specially trained intellects, and with that consistency and certainty which are attainable only by adherence to a scientific method.

On the same. By FREDERICK HALSEY JANSON, F.L.S., *President of the Incorporated Law Society.*

THE improvement of the existing method of framing Acts of Parliament is a matter that may well occupy the attention of our Statesmen and Philanthropists, and indeed of all thinking men.

The defective manner in which they are at present prepared and ultimately passed is notorious, and has frequently, especially of late, evoked the strongest animadversions of our judges and the public press.

The cause of the evil is tolerably apparent. Acts of Parliament are the expression of the will of the two Houses of Parliament and the Crown, in other words of 658 Commoners and of the whole of the Peerage of the United Kingdom, and the Sovereign besides; and we are all familiar with the difficulty

of getting any report or address put into proper shape by a Board, consisting of perhaps only twenty people. The preparation or settlement of such a document is always confided to a few of the body. It is true that only a certain proportion of Members of either House take part in the structure of any single Act that is passed, but every Member of each House is entitled to speak and move amendments upon each Bill that is introduced, and there are certain measures, and those generally the important ones, in the discussion and settlement of which many individuals consider it their duty to take a prominent part.

Then, towards the end of the Session, the work of legislation is invariably carried on with great, I might almost say, indecent, haste. Compromises are not unfrequently effected at the last moment in order that the bill may receive the Royal Assent before the Houses rise; and clauses are introduced to carry out the arrangements come to without any regard to their bearing on other parts of the measure.

Sometimes a Member, who was a strong opponent of a particular Bill, will announce his intention of fighting it at every possible opportunity, and, in order to get rid of his opposition, the Government draughtsmen are called upon at a moment's notice to admit certain words, the full effect of which cannot be immediately perceived; the whole Bill is in consequence thrown into confusion. The result is most lamentable; and not only reflects discredit upon the Legislature, but leads to great hardship and inconvenience on the part of the public. The evil too seems to be on the increase.

Thus we find Acts of Parliament of very recent date, which contain provisions conflicting with each other, and provisions which conflict with existing Statute Law, of which the framer of the later Act was obviously ignorant — Acts imposing burthens, which were confessedly intended to be general, but which in effect are only partial—Acts imposing duties on public bodies, but omitting the necessary powers to enable them to perform those duties with effect, or providing for the expenses incurred; others inflicting penalties without providing the means of enforcing them; while some are so carelessly framed, or so designedly ill drawn, that they are found to be incapable of any interpretation.

The Acts which are the most notable offenders in these respects are perhaps the "The Sanitary Acts;" the "Licensing Act;" the "Wild Fowl Protection Act;" the "Act for Valuation for Rating Purposes;" and the "Parliamentary and Municipal Register Act." It would occupy too much space to

particularize the defects of all these statutes, but each has its own discreditable characteristics.

It may not be out of place to introduce, in corroboration of what I have advanced, a few quotations from the newspapers, as containing the opinion both of the Press and the Judicial Bench.

In the report of the case of "Solomon *v.* Isaacs," in the 'Times' of the 28th November last, the following observations occur:—

"This case, which lasted all day, illustrated very strongly our judicial system and our system of procedure.

"It also illustrated the difficulties attending the construction of statutory law, especially when, as in the instance of bankruptcy law, it is constantly being changed. During the last twenty-two years there have been three Bankruptcy Acts, that of 1842, that of 1861, and that of 1869. The present case arose under that of 1861, from which it will be seen, to begin with, that it has been pending about three years. Each of these Acts, as counsel observed, contained provisions on the same subject in different language, so that the decisions of the courts on one set of enactments were no authorities on the other. And as every eight or ten years, the terms of the law were thus altered, the difficulties of construction were not only perpetuated but increased. Hence the number and variety of judicial decisions on all the questions that can arise under a bankruptcy law, especially that most vital question of all, how far bankruptcy clears a man for the future."

A leading journal of the 20th January last observes:

"The spectacle presented by the members of the highest courts of common law vying with each other in sarcastic comments upon the construction of a new statute, is one which speaks for itself, and it is one which has been witnessed half-a-dozen times at least in the course of the current term. The last and most flagrant instance occurred a few days ago in the Court of Queen's Bench, when the Licensing Act of last session came under review. On this occasion the judges, after an ineffectual attempt to discover what the law was, opened a fire of criticism on the 'bungling legislation' they were called upon to interpret and administer. Mr. Justice Mellor remarked that 'it was impossible for human skill to find words more calculated to puzzle everybody. They could not have been more ingeniously selected if such were the purpose in view.'

"The Lord Chief Justice observed, that 'he had never in the whole course of his judicial experience seen a more con-

fused and puzzling Act than this. The section in question was utterly bewildering. It was, in fact, the most complicated complication he had ever met with. The Legislature must have had some intention on the point, but what it was he was unable to discover.' Mr. Justice Blackburn, 'while agreeing in the general spirit of the Lord Chief Justice's remarks, desired to take exception to this description of the Act as the most confused specimen of modern legislation. That place was, he thought, properly to be assigned to the Public Health Acts.'

"The significance of these criticisms is not diminished when we reflect that the particular method of legislation to which the condemned Act owes its obscurity is one which seems to be viewed with particular favour by the Legislature. It was, in fact, the familiar case of Statute A enacting certain provisions, followed by Statute B, 'incorporating' the provisions of Statute A, and that again followed by Statute C, repealing said provisions by mere reference to the sections of Statute A which contain them, and without reference to the fact that they exist also in an 'incorporated' form in Statute B."

The writer just quoted observes further on:—

"It is a matter rather of curious than of useful speculation to inquire why the meaning and purport of Acts of Parliament are darkened and confused. Mr. Justice Blackburn, in the course of his judgment, threw out a suggestion on the subject. 'The Government,' he thought, 'did not wish to take the plain and simple course, but rather preferred to take the other and less direct course, because they thought there might be more difficulty in Parliament in carrying an Act which would work drawn in a plain and simple manner; and they therefore preferred an Act drawn in a form in which it would pass, although it would not work, throwing upon the judges the onus of interpreting it with the help of Providence, so that it might work.'"

Another writer, commenting on this judgment, remarks as follows:—

"This learned judge went to the root of the matter by pointing out that intelligible legislation is hardly possible when parts of Acts are repealed and fragments remain still in force. He stated that he was informed that it is found impracticable to sweep away all Acts relating to a subject, and to pass a fresh Act on that subject in one session of Parliament. Hence the draughtsman has to draw 'what will pass,' and Parliament must share with the draughtsman the blame of the increasing absurdity of our statute law."

There is one clause in the Act to amend the law concerning Judgments in Ireland, directing the mode of proceeding to Register Judgments so as to affect land, which has long been the *bête noir* of the Irish practitioners. It contains no less than eighty-four lines, and is a good specimen of the involved, and consequently obscure style of modern Acts of Parliament.

Another matter which may be justly complained of is the system of making enactments by reference to clauses scattered through former Acts, thereby imposing unnecessary, and in some cases almost intolerable, labour on those who are called upon to ascertain their purport and effect.

Thus the Public Health Act of last year, which it was hoped would constitute a new Code free from all reference to the previously existing mass of statutory matter, confers upon the Rural Sanitary Authority, "All powers, rights, duties, capacities, liabilities, and obligations exercisable or attaching by and to the Sewer Authority under the Sewage Utilisation Acts, and by and to the Nuisance Authority under the Nuisances Removal Acts, and by and to the Local Authority under the Common Lodging Houses Acts, the Diseases Prevention Act, and the Bakehouse Regulation Act, or by and to any of the said authorities under any of such Acts, or any Acts amending such Acts." There are thus five distinct classes of Acts referred to.

The Sewage Utilisation Acts, the first of the classes, means 28 and 29 Vict.; cap. 75 (The Sewage Utilisation Act, 1865); 29 and 30 Vict., cap. 90 (The Sanitary Act, 1866); 30 and 31 Vict., cap. 113 (The Sewage Utilisation Act, 1867); 31 and 32 Vict., cap. 115 (The Sanitary Act, 1868); 32 and 33 Vict., cap. 100 (The Sanitary Loans Act, 1869); 33 and 34 Vict., cap. 53 (The Sanitary Act, 1870).

Nuisances Removal Acts means 18 and 19 Vict., cap. 121 (The Nuisances Removal Act for England, 1855); 23 and 24 Vict., cap. 77 (An Act to Amend the Act for the Removal of Nuisances and the Prevention of Diseases); 26 and 27 Vict., cap. 117 (The Nuisances Removal Act for England (Amendment) Act, 1863; 29 and 30 Vict., cap. 41 (The Nuisances Removal Act (No. 1, 1866); 29 and 30 Vict., cap. 90 (The Sanitary Act, 1866).

The Common Lodging Houses Acts, the Diseases Prevention Act, and the Bakehouse Regulation Act, are defined by reference to other Acts, the dates of which I need not give in detail, but which are *five* in number.

There are ten other Acts mentioned in the definition clause as being referred to in other parts of the Act under consideration.

"The powers, duties, and liabilities" to ascertain which these very numerous Statutes must be read and collated, might, I venture to say, have been re-enacted in an intelligible form within the compass of a few pages of the paper used by the Queen's Printers—but this would doubtless have imposed considerable labour on the department from which the measure emanated, a labour from which the officials shrank; unless (which I can hardly suppose) the reference to former Acts was adopted from the fear of arousing opposition if the provisions were contained in detail in new enactments.

But it is far easier to point out the imperfection of our present system than to provide an appropriate and practicable remedy. This, I apprehend, cannot be found unless Parliament will consent to delegate to others, to some extent, the control of the language and indeed of the structure of its Acts.

In the course of a discussion which took place upon a somewhat similar paper, read before the Statistical Society in May last, it was suggested that Parliament might pass resolutions embodying the principles of each intended measure, while some responsible body resembling the French Council of State, conducted the draughting of Bills; Parliament reserving a certain superintending power; but to this it was replied that Parliament would never consent to be bound by the proceedings of a council external to itself.

Mr. Dudley Baxter on the same occasion stated that something similar had been tried when the Board of Trade and the Referees were appointed as a critical tribunal; but that Parliament had always given them up in the end, and gone back to the simple method of invoking the aid of committees. He suggested the appointment of some authority equivalent to the Chairman of Committees on private Bills; and, observing upon another plan that had been advocated, viz. the appointment of skilled barristers who should take the bills after they had passed through committee, put them into shape, and return them again to the house—he remarked, that private members or the Government would inevitably be impatient and jealous of such interference with their proceedings by a subordinate. This objection, however, he thought might be overcome if an officer were appointed to examine the Bills, such officer being, like the Chairman of Committees, an important and leading member of the House.

My own inclination would point to the constitution of a Board of official draughtsmen, to whom at an early stage all Bills should be referred, who should possess similar authority to that exercised by the Chairman of Committees of the House

of Lords in regard to private Bills, whose duty it would be to see that each Bill was at all events consistent in itself, and calculated to carry out its ostensible objects, and who should be authorized, in case of need, to alter it accordingly. If it should undergo any further change either in the House or Committee, I would propose that it should be again referred to this Board for final consideration and settlement before the third reading; and I think that such Board should have some power to stop the passage of a Bill which at its last stage was still manifestly defective. The employment of experts in the art of drawing would insure more precision, and what is much needed, greater condensation of language. All this would of course tend to delay legislation; but Acts of Parliament must be passed with more deliberation if they are to be free from the defects complained of, and worthy of the august Assembly from which they emanate. At present no one is responsible for their being accurate in diction or capable of working, and the consequences are those which I have endeavoured to point out, and which, I think it will hardly be disputed, call loudly for 'the amending hand.'

DISCUSSION.

Mr. Edgar (London): Although this subject is approached from somewhat different points of view by the authors of the two papers just read, the authors substantially concur in their general proposals. Mr. Janson's paper may indeed be properly regarded as supplemental to that of Mr. Holland. No doubt the plans proposed are the natural remedies for the evils and inconvenience felt through the present state of legislation. Some formula should be given in accordance with which bills should be drawn previous to their being submitted to a commission, which ought to have the power of saying whether they are defective, and of suggesting and enforcing particular amendments. I did not understand Mr. Holland to mean that this commission was to consist of a Board of Draughtsmen. (Mr. Holland: A Board of Critics. This would be the best plan, and not a Board of amateur draughtsmen. People must be allowed to draw their own bills.) Matters have now arrived at such a pass as to bring legislation into contempt, and after the experience we have had of Acts of Parliament in Courts of Law, our whole system of legislation appears to be a farce. There is one point, however, to which I should wish to draw attention, and that is that Mr. Holland makes no provision for referring the bill back to the commission after it has been amended in the Committees of both Houses of Parliament. It would very often be absolutely necessary that this should be done, because many of the absurdities in our Acts of Parliament are the result of amendments introduced in Committee after the bill has been carefully drawn. I

believe, that on the whole, the Supreme Court of Judicature Bill was well drawn originally. As an example of the blunders that result from amendments, I may remark, that as that bill was originally drawn the Lord Chancellor was not to be a member of the High Court of Justice but President of the Court of Appeal, and the number of judges proposed for the High Court of Justice was limited by one of the clauses in the Act to 21. By an amendment, the Lord Chancellor was added to the number of the judges of the High Court of Justice, and so matters now stand, one clause in the Act limiting the numbers of the judges of that court to 21, whilst another clause in it clearly shows that there are 22 judges in it. This is a palpable absurdity. I pointed the mistake out recently to the Attorney-General, who expressed his regret that it should have occurred, but explained that the difficulties were so great in pressing the bill forward at the end, that he must be excused for allowing the matter to escape his attention. The measure contains another blot. As the bill originally stood the Lord Chief Justice was appointed the President of the High Court of Justice; but when it was determined that the Lord Chancellor should become a member of that Court, the following words were added to the clause as it originally stood, "in the absence of the Lord Chancellor." Therefore, it is only by implication and not by express provision that the Lord Chancellor is appointed President of the High Court of Justice. Such defects as these are not the fault of the draughtsmen, but of the system under which bills are amended and passed into law without being revised. In the following section, however, it is expressly provided that the Lord Chancellor shall be President of the High Court of Justice, and this stands in glaring contrast to the previous section. But I must go still further. Those who amended the bill do not appear to have been aware of the effect that would follow from making the Lord Chancellor a member of the High Court of Justice. The Act says that the members of the Court shall be made by letters patent. This must surely mean that the Lord Chancellor is to be appointed by letters patent. At present the Lord Chancellor is appointed simply by delivery of the seals to him. But how can he be appointed by letters patent? because, not having the seals, he will have to be appointed by his predecessor in office. I am also afraid that some serious doubts may be raised as to whether the Lord Chancellor will be entitled to his retiring pension. By the 11th section of the Act every judge already appointed is to have the same salary and the same pension to which he is entitled under the existing law, so therefore the present Lord Chancellor is safe. The Act goes on to provide for the salaries of future judges, and that of the Lord Chancellor is to be the same as at present. But then the Act goes on to provide for the retiring pensions, and it provides for the pensions of the chiefs of the various sections of the Court, and for that of the Master of the Rolls, but not for that of the Lord Chancellor. There is only a general clause that all the other judges of the High Court of Justice are to have the same pensions as may be granted at present to *puisne* judges of the Queen's Bench, and further, no pension shall be granted to any judge who shall not have served for 15 years, or who

shall not be disabled. Section 94 of the Act enacts that nothing in the Act contained should affect the office or position of the Lord Chancellor, but the words "office and position" scarcely include the mode of appointment or the retiring pension. It is perfectly clear that the saving clause was prepared when it was proposed to make the Lord Chancellor the President of the Court of Appeal, and when no question of his rights had arisen. I wrote to the Solicitor-General upon the subject, and I pointed out to him that at least, as far as the number of judges was concerned, a clear blunder had been committed. The plan suggested by Mr. Holland and Mr. Janson, would get rid of these defects in our Acts of Parliament. Mr, Janson, however, goes rather too far when he suggests that a bill should be stopped altogether when it does not accord with the formula to be laid down, and it would be practicable to find some other mode of carrying out his object without altogether preventing the passage of the bill. It is a matter for discussion, whether after a bill has been read a second time and been referred to a special committee (I do not go further than that at present), it might not be taken up again the following session at the same stage. I do not propose to extend the rule to the following Parliament. It is impossible under the present system to bring any measure of importance before Parliament late in the session, whereas, if it could be resumed the following session at the same stage, much valuable time would be saved, and the dispatch of public business would be correspondingly facilitated.

Dr. Waddilove (London): The question before us is, how are we to remedy the evils which it is admitted on all hands should be remedied at once? It does not much matter whether bills are referred to a body of critics or to a body of lawyers. Mr. Holland suggests that the Board of Critics should consist of men who are at once logicians, jurists, and lawyers. I am afraid, however, that it will be found rather difficult to find a sufficient number of such men for the purpose. We want a Minister of Justice. We have a Board of Trade with a President at its head, a Board of Education with a President, and a Local Government Board with a President, and why should we not have a Judicial and Legislative Board with a President at its head, to be called the Minister of Justice, or whatever else you please? Then we should have a man who would be responsible for the framing of every Act of Parliament, whereas, at the present time nobody is responsible for it. Those who have framed Government bills have found them so altered when they became law that they had declared that they did not know their own children. The amendments that are introduced into bills in Committee are often confusing and conflicting. Take the Church Building Act for instance; that is a mere medley of confusion. Only two or three sessions ago a Consolidation Act drawn by Mr. Stephen was brought in by the Attorney-General and the Solicitor-General, but it never passed the House of Commons. Had we a Minister of Justice it would have been asked, "What has become of that bill, and why don't you go on with it?" but now nobody is responsible for not proceeding with it, and nothing more is heard of it. It would be well, instead of amending and altering any Act now in

existence to make a *tabula rasa* of the law on the subject, and include in the new bill all that was good in old Acts. The Merchant Shipping Bill and the Common Law Procedure Act were attempts in that direction. I would suggest that every five or seven years we should review an Act of Parliament which required amendment. Almost every Act passed requires amendment. For instance, the Divorce Act, which has been in force about 16 years—has been supplemented by some 12 or 14 Amendment Acts. Better repeal all these Acts and have one new Act consolidating the law on the subject.

Mr. H. D. Jencken (London): I may remark that the proposal has been developed into a complete system in Prussia, where no Act of Parliament can pass unless it has been revised by a body of jurists appointed for the purpose. The Prussian Legislature, however, decline to allow the bills to be submitted to the jurists before they have been read a first time, on the ground that to do so would be to render the Legislature subservient to a Bureau. Having passed through the preliminary stages the bill is submitted to the jurists, who send the bill back with a kind of petition attached to it pointing out its defects, which the Legislature may correct or not. If the Legislature chooses to pass the measure in its defective form, then it becomes law, if not, they alter it in conformity with the terms of the petition. The result of that system is that the legislative acts of Germany are drawn with wonderful clearness, and we could follow that example without in any way interfering with Parliamentary rights. With regard to the next question of the consolidation of Acts of Parliament, if you look at our register of statutes you will be grieved and vexed to find how large a volume their mere index makes, and that to read the statutes themselves would take a lifetime. If we could consolidate our statutes we should be doing gradually what was effected by the *Code Napoléon*. The members of the House of Commons would gladly yield on this point if men of knowledge and technical experience would show them the way the object in view is to be accomplished. One of the chief difficulties we have to encounter in consolidating our English law is that which arises from our language. The very precision and accuracy of our language stands in the way of drawing our Acts of Parliament. It is very different in Germany, where the soul, rather than the mere formal words of a statute, is looked to. The very men who call themselves jurists have found it very difficult to express an idea in the English language. In endeavouring to carry out our subject we must take care that we do not interfere with the privileges of Parliament or retard the progress of bills, and that we merely endeavour to facilitate as far as we can the labours of those who devote their time to giving us laws such as no other country in the world possesses.

Mr. Seymour Teulon (London): I quite agree that after bills have been fully matured in Parliament and have received all their amendments they should be referred to a competent office for revision before they are read a third time. Such an office, I think, might be found in the Journal Office, but whatever office might be selected to fulfil the duty, the language of the bills should be certainly carefully

revised before the measures become law. Assuming that this may be done without any violation of the privileges of Parliament, I wish to say a few words with regard to the expurgation of obsolete statutes which is now taking place, and which has been brought down to the end of George IV. It is useless to expurgate old Acts of Parliament if we are to get into the same position again. What we require is, some very simple machinery under which the most recent Act of Parliament shall contain the whole of the law on the particular subject with which it deals as it stands at the time of the passing of such Act, so that the last edition of the Act shall contain all the law on the subject. Some years since a case of difficulty having arisen, I wrote to the Home Secretary without, however, succeeding in attaining the object I had in view. On the 13th of December, 1869, I again wrote to the same department the following letter :—

SIR,—Some years since I ventured to suggest to your predecessor in office that the Clerks of the Peace, Clerks of Petty Sessions, and others, when making returns for the Criminal Statistics should state, for the private information of the Secretary of State, any case which may have occurred in their Courts when, from the defect of the Law, or other remediable cause, a failure of justice had taken place, to accompany the statement with the suggestion of a remedy, and when of sufficient importance, the Government should, from time to time, introduce bills to remedy the defects; and I further suggest that the amendment so enacted should, in all future reprints of the Acts to which they relate, be embodied in the reprint with marginal references, showing the date of the Amendment; by this means the last edition of an Act on any subject would contain the law at the date of its printing.

The Consolidated Criminal Law Act 24 & 25 Vict. c. 96, s. 10, omits "Ass" or "Donkey," and a case occurred at Maidstone some four or five years since, when a person was indicted under the statute for stealing an ass, and escaped, there being no law for donkeys. I suggest general words should be used; enumerations are liable to error.

I have several times called attention to the unsatisfactory state of the law relating to *throwing stones at railway trains*, and enclose a case which recently occurred at Tunbridge—I believe they are not unfrequent. Under the Criminal Law Consolidation Statute 24 & 25 Vict. c. 100, s. 33, it is made felony, and as such cannot be tried by Petty Sessions, however young the offender may be, and justices do not know what to do with the cases—to send a child of seven or even fourteen years of age to prison on a charge of felony would be deemed monstrous—yet the power should be retained for cases which require its being put in force. By the Police Act 2 & 3 Vict. c. 47, s. 54, p. 15, any person throwing stones on a highway is liable to *a fine not exceeding* 40*s*.—so if the offence is committed *on* the railway the offender is guilty of felony, and "liable to be imprisoned for any term *not exceeding two years with or without hard labour*"—but if from a bridge *over* the railway, in the Metropolitan Police District, it is only a *misdemeanour*, and the magistrate usually avails himself of the provision to inflict a small fine—frequently 5*s*. or less.

The Police Act 2 & 3 Vict. c. 71, s. 24, compels persons having suspicious possession of property, within the district, to account how they became possessed of it; this provision is found extremely useful. Out of the district the onus of proof lies on the party who challenges the possessor's right. At Kingston, Surrey, one portion of the division is stated to be within the enactments of the Metropolitan Police Act, and the remainder, being out, is under a different law.

I suggest that the enactments of the Metropolitan Police Acts should be extended, at least, to those places that have a police force and Petty Sessions.

Yours respectfully,

SEYMOUR TEULON.

These quotations from the Acts of 1871 were made to show it had been found practicable to amend the Life Assurance Companies Act in the manner suggested in the letter, and it would have been a great boon if the other amendments had been also directed to be inserted in all future copies of the Acts to which they relate—instead of leaving the fact of the amendments having been made to the chance knowledge of Justices and their clerks. By 34 & 35 Vict. c. 78, s. 13, the punishment of juvenile offenders for casting stones, &c., on railway carriages, &c., is thus amended. The 10 & 11 Vict. c. 82, "for the more speedy trial and punishment of juvenile offenders;" and the 13 & 14 Vict. c. 37, "for the further extension of summary jurisdiction in cases of larceny," shall have effect as if there had been mentioned therein, in addition to the offence of larceny, the offences mentioned in 24 & 25 Vict. c. 100, ss. 32 & 33, "to consolidate and amend the Statute Law of England and Ireland relating to offences against the person;" and those mentioned in section 35 of the 24 & 25 Vict. c. 97, "to consolidate and amend the Statute Law of England and Ireland relating to malicious injuries to property." Section twenty-three of "The Regulation of Railways Act, 1868," shall have effect as if the words "after having once received warning" were substituted therein for the words "after having received warning." The 34th and 35th Vict. c. 58—An Act to amend the Life Assurance Companies Act, 1870—is thus amended. Section twenty-five of the Life Assurance Companies Act, 1870, shall be construed as if the words "chapter twenty-four" were and had at and from the date of the passing of such last-mentioned Act been inserted therein in place of "chapter forty-one;" and Her Majesty's printers shall in all copies of the Life Assurance Act, 1870, which may be printed after the passing of this Act, insert the words "chapter twenty-four" in the place of the words "chapter forty-one" in section twenty-five of the said Life Assurance Companies Act, 1870.

Mr. H. N. MOZLEY (London): The suggestion which has just been made only applies to a certain series of defects, occasioned by the practice of referring in one Act of Parliament to various sections in previous Acts of Parliament, without any proper explanation being given as to what is the real meaning of the amendment to be affected in the law by the new Act. There are, however, other defects existing in our Acts of Parliament, owing to the introduction into them of

words of vague and uncertain meaning, which would have to be dealt with in another way. From the course of the discussion it appears to be the general opinion of the section, in which I quite agree, that at a certain stage of legislation, bills should be submitted to a board of criticism of some description, which should be authorised to point out their defects, with the view to their being remedied before the measures become law. I should not be inclined to hand the bills over to an official board. I should prefer to submit them to two or three eminent lawyers. We have already had sufficient meddling on the part of official boards with legislation, the result being far from satisfactory. If we could get men of the calibre of Lord Westbury, Lord Selborne, or, say, the Lord Chancellor for the time being, assisted by one or two assessors, either personally, or if he thinks fit by deputy, to peruse the bills and to point out their defects before they are finally passed by the Legislature we should make a great advance. Of course if the Legislature should insist on passing the bill in the same state in spite of the defects in it which have been pointed out, they would have the power to do so. The chief cause of the evil is the design of the ministry and members to pass something regardless of the character of the work. I cannot agree with Mr. Edgar in his view that we should allow a bill which has reached a certain stage in one session to be resumed at the same stage next session. One of the evils attending our system of legislation is the hasty passing of Acts of Parliament without sufficient notice being given to those who are likely to be affected by them, and the evil would be greatly aggravated were Mr. Edgar's proposal to be adopted. Those affected by the suspended bill would forget that it was before Parliament, and moreover the work would be partly done by one body and concluded by another, and the result would be that a piece of patchwork would be passed. Such a system, instead of being an improvement upon our present system, would be rather worse than the existing state of things. One point has not been sufficiently adverted to, and that is the mode of passing as opposed to the manner of framing Acts of Parliament. We know the bills which are introduced by particular departments are always brought forward in a thin House, because it is known that they could not be carried in a full House. There have been cases in which the Government have put off a bill until a late hour in order to pass it through when members were absent, they not having received proper notice that the measure was about to be brought on. Thus the Scotch law of Mortmain was, I believe, abolished without the proper knowledge of the Scotch members and of the persons chiefly affected by the measure. Such an evil practice should be abolished. We must first frame our laws properly, and secondly, give those likely to be affected by them and the community at large notice of what is being done, so that they may have an opportunity of making their objections. Parliamentary verbiage and forms should disappear, such as moving that a bill be read a second time this day six months, of shouting 'aye' or 'no,' or 'content' or 'non-content.'

Mr. James Heywood, F.R.S. (London): Practically in the House of Commons the Attorney-General is responsible for Government bills

going safely through, and therefore I do not see the necessity for creating a new Minister of Justice as has been suggested. I was for ten years in the House of Commons and carefully watched many bills in their passage through Parliament, and I do not see that the present system works badly. Occasionally an inconsistency, or perhaps even a blunder, may creep into an Act of Parliament, which requires amendment during a future session; but that is the worst that can happen. Forms which are condemned by Mr. Mozley conduce to the preservation of order in our national assembly and to the maintenance of its dignity. The private members themselves must look after private bills.

Mr. SOUTER (London): I cannot agree that if a Minister of Justice were appointed who should be responsible for the framing of our statutes we should not require the elaborate plan proposed in the two papers. For instance, we owe to our Local Government Board a very bad Public Health Bill which they drew up themselves and for which they alone were responsible. This shows the insufficiency of a mere Government Board to ensure the passing of proper Acts of Parliament. I prefer the proposal put forward by Mr. Holland.

Mr. C. J. GRECE (Reigate): In my opinion the evils of the present method are largely attributable to the practice of strange bills which do not run their whole course in one session of Parliament. In the abolition of the system lies the whole solution of this question. The practice leads to undue haste in the latter stages of the bills, and to waste of time at the commencement of the ensuing session in passing through formal stages bills which have been dropped in the previous session. Mr. Mozley has expressed his preference for the present system, but I would remind him that the prorogation of Parliament was originally a device, a mere piece of sharp practice on the part of arbitrary monarchs to get rid of unpalatable measures without having recourse to a dissolution, and a practice having such an origin ought not to be allowed in these days to impede legislation.

Mr. HOLLAND, in reply: I can see no necessity for interfering with the privileges of Parliament if my proposal were adopted, and Mr. Jencken has informed us that the plan is already in force in Prussia without in any way fettering the freedom of Parliamentary action. I wish that some one present could have given us an account of the manner in which the *Conseil d'État* in France works. Mr. Jencken further tells us that in Prussia the body which revises the bills has no power to stop a bill, but I do not see why Parliament should not delegate to the revising body the power of stopping any bill which is incorrect in point of form. The occasional loss of a bill by this means would be nothing in comparison with the advantages we should derive from such a power being intrusted to it. In some minor points I quite agree with Mr. Edgar, especially in his view that bills should be continued from session to session. I also think that it is necessary that a Minister of Justice of some sort should be appointed, as it is impossible for the Attorney-General in the House of Commons, or the Lord Chancellor in the House of Lords, whose time is so largely occupied with other matters, to pay sufficient attention to the framing of bills. With reference to the proposal that whenever a change is

about to be made in the law you should make a *tabula rasa* of the old law and embody the whole in the new Act, I think you should not mix up consolidation with amendment of the law, or else you will have the case of the Merchant Shipping Act repeated on every occasion of the amendment of an old Act of Parliament. You require your new law to be in a manageable shape, and you also require your laws to be consolidated, but you must keep the two matters separate.

The CHAIRMAN, Mr. E. FIELD (Norwich): We all feel the great inconvenience that is occasioned by the innumerable references in almost every statute to portions of other statutes. In one statute which fills only four pages, reference is made to the whole of the Joint Stock Company's Acts. Another inconvenience arises from the fact that those who frame Acts of Parliament, in order to save themselves the trouble of clearly stating their meaning, add at the end of almost every statute a sort of slang dictionary, and before you can hope to be able to interpret the Act you must first read the interpretation clauses, in order to ascertain what the words used in the body of the Act mean. The time has come when it is necessary that we should have some board or authority, whether a tribunal of three gentlemen who shall be pleaders, logicians, and jurists, or a board of expert barristers, I care not, so long as we have some responsible body by whom bills shall be perused and settled before they become Acts of Parliament. I entirely concur in the remark that it is the amendments that require the most care, because however carefully a draughtsman may prepare the bill in the first instance, all his care may be rendered nugatory by ill-considered amendments made in the measure during its passage through both Houses of Parliament.

AGRICULTURAL TENANCIES.

What Change, if any, is it desirable to make in the Law relating to Agricultural Tenancies? By JAMES HOWARD, M.P.

IN discussions upon the subject of Tenant Right at Farmers' Clubs and Chambers of Agriculture, it is generally assumed to be a question entirely between Landlord and Tenant, whereas it will not be difficult to show that the interests of every class of the community are affected thereby. It is therefore well that the discussion of the question is no longer confined to agricultural circles, and that the Press and the general public have of late manifested an interest in its solution.

The question of Tenant Right in England is not, as many suppose, a new one; nor is it an outgrowth of the Irish Land Act. In consequence of the subject being agitated at the time of the repeal of the Corn Laws, the late Philip Pusey, backed by the late Speaker of the House of Commons, made great efforts, from 1847 to 1850, to pass a bill for improving

the law of Landlord and Tenant in England and Wales. From that time to the present the subject has been discussed more or less frequently at Farmers' Clubs and Agricultural Meetings; indeed, public opinion may be said to have been constantly growing, until at length there appears to be a general concurrence of opinion that an outgoing tenant has a just claim to any property he may have to leave behind upon the farm.

The demand for Tenant Right resulted from a radical change which took place in the system of farming in England. Very soon after the inauguration of what came to be known by the term "high farming," there arose a claim for compensation for unexhausted improvements. Formerly, and indeed within a comparatively recent period, English farming was conducted upon an exhaustive system—a system which required but little capital—the farmer brought nothing upon his occupation, in the shape of manures or feeding stuffs, he fed his animals on food produced entirely upon the farm, and the only manure he applied was that thus produced. As soon, however, as the practice was introduced of buying costly fertilizers to raise root crops, oil cake and corn for making beef and mutton, when expensive pipe-draining began to be resorted to for taking away stagnant water; then the demand for Tenant Right, for compensation for unexhausted improvements, became more general.

As long ago as 1848 a prize was offered by the Wenlock Farmers' Club for the best essay upon the subject of Tenant Right. This was gained by Mr. Corbet, the able and well-informed Secretary of the London Farmers' Club. In this essay Mr. Corbet conclusively showed that a well-considered Tenant Right Act was not only required as a matter of justice to an improving tenant, but that it would add greatly to the value of the landlord's property, and result in a vastly increased production of food for the consumer. Had the late Mr. Pusey succeeded in his efforts, I verily believe that the wealth of the country would, by the present time, have been greater by scores of millions.

The subject certainly has not diminished in importance through lapse of time, for it should be remembered that since that period the population has vastly increased, that it is progressing at a rate unparalleled in the annals of the nation, and that the demand for food has increased in a still greater ratio.

Great efforts have been put forth, during the past generation, by the English farmer to meet the pressure on the pro-

ductive power of the land. The annual value of the produce of our fields and homesteads has reached 250,000,000*l.* sterling, and by some is estimated even as high as 300,000,000*l.*; yet this enormous production does not suffice to feed the population. Last year food to the extent of about 80,000,000*l.* had to be imported. With such huge figures before us the enquiry may well be propounded, what are the impediments which prevent our farmers from obtaining out of their land that amount of food, the deficiency of which abstracts from the national pocket so large an amount. Doubts, for some time past, have been expressed whether much advance in farming is being made at the present time, and a general impression prevails that the spirit of progress, so observable a few years back, has declined, and that the agriculture of the country is just holding its own or in *statu quo.*

Notwithstanding the undoubted excellence of a good deal of the farming in England and Scotland, there can be no question that the produce of both animal and human food could be immensely increased. Opinions expressed by a certain eminent statesman to this effect have so often been quoted that the public must be weary of their constant reiteration. In support, however, of the opinions of Lord Derby, I would refer to the views expressed by another noble lord. There is no landed proprietor, perhaps no agriculturist, in the United Kingdom, whose opinions upon agricultural topics are entitled to more weight than those of the Lord Lieutenant of this county of Norfolk. The Earl of Leicester, in addressing a meeting of Norfolk farmers some two years ago, remarked, "Since I last met you I have travelled through much of England, and through parts of Scotland, and taking into consideration the whole of the land I have seen under cultivation, I think I may safely state that the produce might be nearly doubled under a more perfect system of agriculture." Knowing as I do the greater part of the agricultural districts of England and Scotland, I concur, though perhaps not to the full extent, in the opinions expressed by the noble lords; that our productions are susceptible of prodigious increase no practical man can for a moment doubt. If we estimate the possible increase at only one-third, our fields and homesteads would yield more than they do by 100,000,000*l.* a year. Surely, then, this is a subject worthy of the gravest consideration of a Government, for what an enormous influence would so much extra wealth, raised from the soil, exert upon the interests of farmers, labourers, and landlords; and not only on these, but on the trade, the commerce, and the general prosperity of the whole nation.

The price of meat is a question which comes home to every household; indeed, the high price of animal food is one of the most pressing domestic questions of the day. From an examination of the books of a large country butcher (which I thought more reliable than quotations from market reports), I find that in 1852 prime joints of beef and mutton were charged at 7*d.* per lb.; at the present time the prices are 11*d.* per lb., the advance at each quinquennial period having been 1*d.* per lb. To show what can be done in the production of meat by farmers of capital, I may instance the fact that a leading farmer in this county of Norfolk, who is in the enjoyment of security of tenure, realized in the past two years by the sale of beef, mutton, and pork, no less a sum than 40,000*l.*, which was an average of from 15*l.* to 16*l.* per acre of his occupation. Deducting from this sum 28,000*l.* worth of animals bought in, there remains a net meat production of about 5*l.* per acre; and this is by no means an uncommon instance. Upon my own farms, and upon those of my brother, Mr. Charles Howard, Biddenham, about the same amount is raised; and some farmers I have corresponded with exceed even this rate of production. A farmer in the adjoining county of Suffolk, who also enjoys security of tenure, informs me that his net sale of meat reaches 7*l.* per acre per annum. Were the whole country brought up to the standard of the Norfolk farm I have named, the produce of meat alone in Great Britain, to say nothing of Ireland, would amount from 150,000,000*l.* to 160,000,000*l.* a year, a quantity which, if the population could buy, it would find no little difficulty in consuming.

Seeing that there is no possibility, in this sea-girt isle, of adding to its area a single acre, the question is being forced upon us, how the production of our fields and homesteads can be stimulated so as to meet the growing necessities of the population.

Intelligent and sagacious agriculturists have long held that, if we are to look for a further development of our resources, more capital must, in some way or other, be attracted toward the land. Farming differs in no way in this respect from other business pursuits; greater returns in any trade invariably require a corresponding increase of capital; this is so obvious that I should not for a moment dwell upon the point, but for the opinions entertained by many, including some landlords, that farmers have only to be plodding, frugal, and industrious to secure success. Mr. John Wilson, of Edington Mains, an eminent Scotch farmer, in a letter on the law of hypothec to Lord Airlie, and published in "Recess Studies," puts this

point very forcibly:—"One of the strongest objections to hypothec is that it has given countenance and currency to the delusion that farming is a business in which a man may safely engage with the very slenderest means, if only he be steady and industrious, and have a knowledge of the business. It is saddening to think of the multitude of such men who have lost every shilling of their hard-earned stores. The truth is, and it cannot be too often insisted upon, that there is a certain indispensable amount of capital, proportionate to the size of the farm (whether 10 or 1,000 acres), without which no man, be he ever so industrious, prudent, and skilful, can farm land with advantage to himself or anyone else."

The law of hypothec in Scotland, and the law of distraint in England, do unquestionably often lead landlords to accept tenants with inadequate means; these laws, which give a preference to the landlord's claim over other creditors, are injurious to the public interests, and should therefore be repealed.

How more capital is to be attracted to the land is the great problem to be solved, and looking to the signs of the times, the outcry at the price of meat, and the uneasiness manifested in what is popularly called the land question, I think it desirable that no more time should be lost, no more hesitation, but that the difficulties should be looked fairly in the face by the legislature, and every obstacle to increased production removed; for, in the event of a reversal in the tide of the nation's prosperity, it is possible that these questions may be solved for us in a rougher fashion than any well-wisher of his country would desire: there can be no stronger incentive to discontent and disorder in troublous times than difficulty in obtaining the necessaries of life. Much good would unquestionably ensue from amendments in our laws with respect to ownership, devolution, and transfers of land, but no changes in this direction would, in my opinion, have so great and immediate an influence in encouraging the higher cultivation of the land as an equitable law securing to the tenant an interest in the outlay of his capital. As to the Lords' Committee report upon the improvement of land, whilst there can be no question that "limited owners" should have more power, I would remark:—Let the landowner who has not got the capital needed for the improvement of his estate consent that adequate security shall be given for the capital of others, and it will be forthcoming,—and this without the aid of those special legislative provisions which Lord Salisbury's committee seem to consider absolutely necessary.

According to the present law of England, whatever a tenant puts into or upon the land becomes at once the property of the landlord; no matter to what extent the tenant may have raised the value of the estate he farms, the law takes no cognisance of any claim to the property embarked: on the other hand, if a tenant should by improper cropping or niggardly management reduce the value of the farm he occupies, the law gives the landlord the power to sue at law for dilapidations or deterioration. 'Tis true the right is not often enforced, but so long as it remains the condition of the law is one-sided and unjust.

The capital of the tenantry of this country is indispensable to the cultivation of the soil; the landed proprietors could no more do without the tenantry than could the farmers dispense with the labourers. Is it therefore wise that the State should ignore the property of so indispensable a class, and permit a law to remain which allows the landowner to appropriate to himself the improvements and property of his tenants without acknowledgment or compensation? So long as such a law remains will the application of capital to farming be checked, and as a consequence the production of the food of the people curtailed. Capital is proverbially shy; every mercantile man, every man on 'Change, knows full well that the primary condition in every undertaking to which it is sought to attract capital is security.

The question may be asked, is legislation after all necessary? Will not a good understanding between Landlord and Tenant accomplish all that is desired? At all events, should not the Landlord and Tenant be left to make their own agreements? or are not leases the proper remedy? To such questions I would simply reply, that these are the very arguments which have been used for a generation past, and yet three-fourths of the land of England continues to be held subject to a six months' notice to quit, and in the great majority of cases without any claim to compensation for either permanent or unexhausted improvements. That the farmers of England and Scotland deem legislation important may be judged from the fact that during the present year the Central Chambers of England and Scotland, and some forty district Chambers of Agriculture have passed resolutions affirming the necessity. Again, is it not a fact that capital, which flows so plentifully into other branches of industry, and into enterprises of every kind, both home and foreign, still remains unattracted towards agriculture; and that not one half the capital is employed in the cultivation of the land which its development requires?

I would also call attention to the fact that the advantage of a legal Tenant Right law can be estimated by an example already existing in this country. The flourishing condition of the agriculture of Lincolnshire is proverbial. In no part of the world has agriculture made greater strides than in that county. In no part of England or Scotland is there to be found a more wealthy and prosperous tenantry; nowhere are the agricultural labourers better off; and in no county have the estates of the landlords been so enriched by the outlay of the tenants' capital. In Lincolnshire, and parts of one or two adjoining counties, a Tenant Right custom, by no means perfect, has grown up during the past two or three generations; under this equitable system, which has the force of law, the outgoing tenant has the right to claim for improvements he has made; and I learn from valuers of great experience in the county that it is seldom the arbitrators have difficulty in settling the amount due to outgoing tenants. Customs, however, are of slow growth, and notwithstanding the acknowledged advantages of the Lincolnshire customs, and the effort to establish them in other parts, they have scarcely extended beyond the limits of that county; it is clear that nothing short of an Act of Parliament will bring the whole country under the beneficial operation of a custom which has proved so advantageous to all classes concerned.

The suggested remedy of leases may be dismissed with a few brief remarks. Leases unquestionably have some advantages over yearly tenancies, but the question of leases is one with which the State cannot interfere. The State cannot say to the landowners—you shall grant leases, but it is quite within the functions of the State that, whether land be held under a lease or a yearly tenancy, the owner shall be liable to the tenant on his quitting, for the property in or upon the land he may have to leave behind him. There are certain disadvantages in the system of leases which are well known, and they are forcibly described by Mr. M'Neel-Caird, in an address to the Scottish Chamber of Agriculture. Mr. Caird says:—"On a seven-course farm, held on a nineteen years' lease, you may reckon that the last five years will be a period of reduced expenditure by the outgoing tenant, and of exhaustive cropping. Then the first seven years of the new lease will be a period of liberal expenditure and gradual restoration of productive power. For the next seven years you may expect the farm (unless it had been greatly reduced), to be in full fertility; and then begins again the evil cycle of exhaustion. You will have on the individual farm seven years

of Egyptian fatness, alternating with periods of comparative leanness; *but the lean years will be in the proportion of twelve to seven.*" Mr. Caird (a brother of James Caird, C.B., of the Inclosure Commission) shows most conclusively how much the country suffers, even under the Scotch system of leases, by the absence of a legal tenant right. I am therefore disposed to ask, with Sir John Pakington:—"Why, under a well-regulated system of Land Tenure, we should not allow Leases and Tenant Right to go together;" but by Tenant Right I do not mean what the right honourable baronet means, something permissive, but a right secured by law, and not dependent upon the will of another.

As to the question propounded and which is often asked,—should not Landlord and Tenant be left free to make their own agreements? I am fully aware how much is to be said against over-legislation and in favour of the principle of freedom of contract; but I hold that so far as the hiring and letting of land is concerned, the expression "freedom of contract," like many other comprehensive brevities, is simply a figure of speech. The land of England is circumscribed, the farmers are many, and the race is prolific; the landowners are in possession of a monopoly (I do not use the word in an offensive sense, I simply use it to describe a fixed and limited quantity), and as a rule can and do dictate their own conditions, and which conditions are not infrequently injurious to the public interest. Every man who has to hire a farm knows full well that he is not on equal contracting terms with the owner. The freedom he enjoys is, mainly, that of refusing the farm of which, after great efforts, he may have succeeded in obtaining the offer, and which perhaps a score of his neighbours stand ready to take, no matter what are the conditions imposed, if the rent is not too exorbitant. A well-known and most intelligent Norfolk farmer, Mr. Thomas Brown, of Marham, when speaking on this subject last November at the Central Chamber of Agriculture, well expressed the position of the tenant; Mr. Brown (as a delegate from the Norfolk Chamber) said:—"He had listened attentively to the speeches which had been delivered, and had heard various remarks outside, and had noted the stress which appeared to be laid on the point as to "freedom of contract." They had been threatened with revolution [in the relations between Landlord and Tenant] if they presumed to interfere with freedom of contract; but surely they were not going to be frightened by such a bugbear as that. Why the legislature had, in various interests, already interfered with freedom

of contract. He presumed that freedom of contract presupposed equal power between the two contracting parties. *He would be a bold man who would say that there was equal contracting power between an owner and an occupier of land.* But supposing equal power, then the question would lie in a nutshell, for if it could be shown that the parties *contracted together to the injury of the nation,* then he held that the State had not only the right, but was in duty bound to interfere. He was at a loss to conceive why a landlord should object to an equitable system of compensation for unexhausted improvements, because for one application for an impoverished farm there would be ten applications for a farm in good condition. Again, this system of compensation had been in operation in Lincolnshire; but he had yet to learn that in that county there were more frequent changes of occupancy, or that land let for less money than in any other county."

It would not be difficult to show, apart from the Irish Land Act, how often the legislation has in a variety of ways interfered, and that wisely, with freedom of contract, and how the law, in cases where the parties are not on equal terms, restrains the stronger from securing an unfair advantage; but to enter fully into this question would swell my paper to undue proportions. Suffice it to say that the people have a right to demand that the land is used in a way to provide to the fullest extent for the public wants, and that no laws should remain which stand in the way of the accomplishment of this end.

I cannot but think that the majority of landowners and many land agents take an erroneous view of the effect of Tenant Right, and that much of the feeling displayed upon the subject of the bill I introduced last session was wholly unnecessary, and resulted from ill-founded prejudice or from ignorance of its provisions. One of the oldest and largest tenants in North Lincolnshire wrote to me last spring as follows:—"I cannot for the life of me think why landlords are against your bill; with the provisions it contains they would, as a rule, get their land improved without any cost to themselves." When one of our largest landed proprietors expressed to me fears as to the operation of the compensation clauses, I asked him how many tenants on his great estate of 50,000 acres he parted with in a year. He at once saw my point, and replied, "Why, now you remind me, the fact occurs to me that I hardly ever have a farm to let." Another owner of 20,000 acres said to me, "When is that revolutionary bill of yours coming on?" I replied, "You may be quite easy, it won't revolutionise your estate." "Why not," he enquired. "Because you keep your

tenants." "To be sure," was his reply, "I don't know what the luxury is of having a farm to let." To both I dwelt upon the fact that the bill affected only out-going tenants, and that the amount of compensation they might be called upon for, as compared with their rentals, would be infinitesimal; whilst every tenant on their estates would be encouraged to spend money in improvements. This would follow from the sense of security which would result, and which at present does not exist, because every tenant, however favourably placed, and however great his confidence in his landlord, now feels a want of absolute security, and knows that through affliction, death, change of ownership, and many other causes, he may have to relinquish his farm without having any legal claim to compensation for his improvements. That the effect of this legal security would lead to a greater outlay of the tenants' capital upon the great bulk of the estates throughout the kingdom no man of experience for a moment doubts. The labourer would be the first to feel the benefit of such a change, for higher farming would lead to a greater demand for his labour. From years of thought and observation on the subject, I am convinced that the landowners would derive far greater advantage from the change than the tenant.

I would, however, observe that it is not upon the ground of justice to the tenant, nor of advantage to the landlord, that I advocate legislative interference, but upon the broader ground of the public good. To my mind the case stands thus:—We have a limited area on which to raise the food of the people. We have a population fast growing in numbers and in purchasing power. Our fields and homesteads do not yield the amount of food of which they are susceptible. The chief impediment to increased production is want of capital. To attract the necessary amount of capital security is indispensable. Judging by the experience of the past, and the stagnant condition of much of our agriculture, this can only be accomplished by the State stepping in and recognising the claim of the tenant to the property he may have put into or upon the land of another, and which he may be called upon to leave behind him. If we find a difficulty in feeding 30,000,000 people, does it not behove us to ask how are the wants of 50,000,000 to be supplied? a population which we may expect, at no distant day, will have to be provided for.

A paper on the subject was contributed by the Rev. E. L. Blackman. The writer considered the subject from the point

of view that the most important of any changes of law must be such a change as would tend to improve the condition of the rural labouring population. He showed what the natural relations of land and labour were; and how the departure from those natural relations (which departure should be made only by the State for generally beneficial objects, including in their benefits the rural labouring population), and pointed out how the old constitution of the State has been gradually lost sight of, to the great injury of the farm labourers of this country; and suggested as a remedy for this evil the return to the old theory of land tenure, and the enactment of laws in the spirit of that old constitutional theory, having for their object the improvement of the condition of this class, and their elevation to a more respectable position in society. As this would tend to restrain the continually increasing growth of the landowners' wealth through the mere efflux of time, by diverting some of this accruing wealth to the labourer, he pointed out as a reason why they should not resist such a change in our laws, the really unsubstantial character of their tenure by natural right, and that their only substantial right is derived from State reasons, which involve with them important, onerous, but honourable responsibilities, which ought not to be evaded. This, he said, cleared the way for the argument that landowners should suffer the State to impose on them such conditions of tenancy as will secure to the farm labourer a respectable habitation, sufficient wages (and the sufficiency is defined), limited hours of work, exemption from deduction of wages for unavoidable loss of time, and such a provision as would ensure to the well-conducted and diligent labourer the means of subsistence when past work, other than the degrading support of the union-house. His object was to raise the farm labourers into a respectable position as a labouring peasant class, hopeful and self-helpful, having interests in common with the great landlords.

DISCUSSION.

Mr. Frederic Hill (London): We must all agree in the objects indicated in Mr. Howard's paper, but as to the manner in which those objects are to be attained I must differ widely from that gentleman. It would have been better had the Act relating to Ireland been wholly based upon the footing that, in the absence of a special agreement, the farmer, while bearing any loss occasioned by the falling off in the

annual produce of his farm, should have the benefit of any augmentation in its value. I would have the farm valued on the farmer entering on the land, and valued again on his quitting it. A farm being taken without any special agreement or lease being entered into, the question should be, 'Has this farm been so managed as to make it more or less valuable to the owner during the occupation?' If the land has been exhausted or the farm otherwise deteriorated, it appears to me that the landlord has a fair claim to compensation from the tenant; but if, on the other hand, the tenant has thrown his capital into the land at his peril, and has thus improved the farm, the improvement is the property of the tenant, and not that of the landlord. It has been stated that no great difficulty would arise in having the land surveyed and valued both at the commencement and at the termination of the tenancy. That my suggestion is not merely theoretical, I may mention that the system has been in actual practice in the island of Madeira, and has been so time out of mind. The practice in the island is, that when a farm is about to be taken, a survey of it is made, and its value is recorded; and when it is given up a second examination of it is made, when the balance of the value against either the tenant or the landlord is struck and adjusted. I believe they have no leases in Madeira; indeed such an arrangement as that to which I have referred appears to supersede the necessity for a lease. There is a further arrangement entered into under which it is agreed that the farm is not to be given up or the tenant displaced without reasonable notice being given on either side. If that were the rule of law in this country, in the absence of any special arrangement of a lease, all parties would be perfectly safe. The farmers who have done so well under the tenant right of Lincolnshire would have been equally safe under such an arrangement as that which I have indicated. Under such arrangement, in the absence of any special agreement or lease, justice would be secured to all parties, and vigour would be given to agriculture. I regret that freedom of contract has been invaded by the Act relating to Ireland. We are anxious in this country to preserve the right of freedom of contract between man and man. Ninety-nine men out of a hundred are in a better position to know what are their real interests than any Legislature can pretend to occupy. If the farmer and the landlord wish to enter into a particular agreement, it is unwise that the Legislature should step in between them and say, 'You wish to enter into a particular agreement, but that agreement without tenant right shall be invalid.' Such a law would in every case be evaded, and would before long become a dead letter. It has been said that the farmer and the landowner are not in such a position in relation to each other as to be capable of entering into a fair agreement. I believe that the farmer is perfectly able and willing to stand by his own rights and to make a fair contract with any landlord in the country. It is said that the working men cannot enter into a fair contract with their employers, and that therefore they must be protected, but where shall such a principle stop? Are you to prevent a mistress entering into a contract with her servant-maid, or are you to interfere between the man who wishes to sell and the man who wishes

to buy any articles. Let the law say what is fair in the absence of contract, but do not let it prevent contract. You cannot fetter the landlord without at the same time fettering the farmer. If you say to the landlord, 'You shall not enter into this contract,' you are equally saying to the tenant, 'Neither shall you enter into it, although you desire to do so.' There is always plenty of land in the market to be purchased for money. At present the law relating to agricultural tenancies is unjust, because it says, in the absence of any special contract or lease, that the improvements effected by the tenant in his farm are the property of his landlord; and that while the farmer shall be held responsible for dilapidations, he shall have no compensation for the improvements he has made in his farm. It would be far better that landlords and their tenants should be left to make their own agreements amongst themselves, because under such an arrangement the interests of both parties would be better provided for than they could be under any provisions which could be laid down by Parliament.

Mr. Heron, Q.C., M.P.: Many of the proposals advocated in the paper have been in operation in Ireland during the last three years. I have closely watched the operation of Mr. Gladstone's Irish Land Act. The word 'revolution' has been used in reference to the present Irish land system, under which the tenant receives reasonable compensation for improvements effected by him. But if the system has produced a revolution, the revolution has at all events been a peaceful one; it has given greater security to property, while it has not interfered with the proper and gradual rise of rent, and has certainly, both in the North and South of Ireland, been of the greatest advantage to society at large. Both as a lawyer and as an economist I would say that, as far as is consistent with safety, there should be the utmost freedom of contract, and that there should be no interference between landlord and tenant. The circumstances attending the occupation of land, however, are peculiar. The land is let at a certain rent, and the tenant proceeds to employ his capital upon it and to improve the property. Then arises the economical question—in the absence of any special contract, who should have the property in these improvements, and whose ought to be the increased value of the land? The tenant right of Ulster which fluctuated in almost every part, endeavoured to make a rule which would be satisfactory to both parties. That system, which commenced some 150 years ago, arose in my opinion in consequence of the landlords being absentees, and from all improvements and expenditure of capital in building, drainage, fencing and reclamation of bog land, being done by the tenant. Under that system the outgoing tenant sold his right to the improvements to his successor. That successor was not the mere nominee of the outgoing tenant; it was necessary that he should be accepted by the landlord or his agent; that the amount of the purchase money to be received by the outgoing tenant should be mentioned to the agent, who was free to raise the rent of the farm; and in those parts of Ulster where 10*l.* per acre was often paid to the outgoing tenant by the incoming tenant, the rents were as high as in any other part of Ireland. The Irish Land Act legalized the tenant-right customs of Ulster. Since the passing of the

Act there have been many changes of tenancy in Ireland, and the outgoing tenants have demanded and obtained compensation for their tenant rights, and the matter has been discussed and settled in courts of law with satisfaction to both landlords and their tenants, and the result has been an increased disposition on the part of the tenant, especially in the North of Ireland, to spend every farthing he possesses on this land, he being certain that his rights will be protected. Under that Act he receives compensation, amongst other things, for permanent improvements, the reclamation of waste land, and for unexhausted manures. Considerable difficulty has arisen in Ireland with reference to the amount of compensation that should be awarded for unexhausted manures. Thus in pastoral districts in that country, high-lying waste land, which by reason of the moist climate has become mere bog, becomes, when treated with heavy top-dressing permanent good grazing land. In a recent case a distinguished valuer had to determine the amount of compensation which should be awarded to a tenant for improvement of land of that character which had been converted from mere bog and moss into good pasture land. The valuer having capitalized the value of the land at twenty-five years' purchase, awarded the tenant eight years' purchase on the increased value of the land, and decided that as the tenant had enjoyed the benefit of his improvements for some years, the landlord, as the owner of the property, was entitled to the remaining value of the land. The effect of the Irish Land Act has been to increase the value of land all over Ireland. Under the old system there was an invariable tendency, on the part of the tenant, to exhaust the land during the last few years of his tenancy; but under a system of compensation for improvements to the land, the value of which are ascertained by courts of justice, it will be the interest of the farm tenant to lay out year after year as much money upon his farm as he possibly can, in the certainty that he will obtain reasonable remuneration for his outlay. This will not interfere with the raising of rentals. It has been said that there is a monopoly in land, but Mr. John Stuart Mill has said with the greatest truth that the word, as applied to land, was inaccurate. It would doubtless be accurate as applied to land if the amount of the land only was referred to, because the quantity of land, like the quantity of cotton or of anything else, is limited. We cannot increase the area of anything existing in the world, still there are millions of acres of land in the world which are unappropriated, and there are thousands of acres in England which are uncultivated, and consequently useless to the community. The use of the term monopoly, as applied to land, therefore has led to great confusion and illwill, and I trust that henceforth it will be banished from scientific discussion on the subject. The compensation to the outgoing tenant, under the Irish Land Act, is in all cases awarded by the County Court judges alone, without the aid of a jury, and there is an appeal from his decision to the Court of Appeal. The amount of compensation is never fixed by a jury, neither is there a trial before the judges of assize. The question of compensation only arises in cases of disturbance by the landlord. Upon notice of eviction being given him, the tenant sends in his claim for compensation. The judges

who have determined these claims have acted to the satisfaction of all. There have been appeals only upon difficult questions of principle, and mainly as to the Northern tenant right, in cases where there has been a long lease, and the tenant has had the benefit of a low rent. The question raised in such cases is whether they come within the Irish Land Act. The number of appeals are very limited, and there are none in respect of the amount awarded. The appeal in the first instance is to the judge of assize sitting alone. The cases carried before the Court of Appeal are mainly those involving nice questions of law.

Sir Francis Boileau: I admit the general right of the tenant to compensation, but I cannot admit that it is a positive and indefeasible right, because it is possible that the tenant may have enjoyed his farm under a lease at a very low rent, and that thus he has indirectly been compensated for the improvements he has made. It may be that the tenant had the option offered him at the commencement of his term either to be compensated for improvements at the expiration of his tenancy or else to have his farm at a low rent, and that he has chosen the latter alternative. In such a case it would be unjust to award him compensation in defiance of his agreement. There may be cases of this kind which would prevent us laying down the hard and fast line that the tenant has in all cases an indefeasible right to compensation for improvements. Lord Leicester has stated, as the result of his practical experience—and there is hardly any one who is more capable of forming a correct opinion on the subject—that probably the produce of the land might be nearly doubled if some arrangement of the nature proposed were generally introduced in tenancies. Mr. Howard has not ventured in his paper to put the probable increase so high, but thinks that it might amount to one-third of our present produce, and he estimates the value of the increase at 100,000,000*l.* over the whole of Great Britain. The produce of meat under the arrangement proposed is said to be enormous, and we must recollect that the produce of meat is one of the important questions of the day. We know that those who hitherto have never been in the habit of consuming meat in large quantities are now eating it plentifully, and our political economists and our medical men say that meat ought to form part of the food of the whole of our population. The main requisite for good farming is capital, and something should be done to invite men of sufficient means to cultivate the land. It is easy for owners of large estates, with farms in good order, to get men of capital to take them, but on small estates it is different. Still there are many men of ability and respectability with small capital who hold farms, whom I should be sorry to get rid of, although they are farming the land badly. If we do get rid of the latter class of men by death or bankruptcy, we experience great difficulty in replacing them by tenants having sufficient capital. The law of hypothec in Scotland, or of distress in England, giving the landlord a right over the property of his tenant prior to that of his other creditors, does not prevent men of capital from taking land. It is a grievance not to themselves, but to their creditors, who would alone complain. Although landlords possess rights which their tenants do not possess,

the landlord's rights are not enforced, partly from good feeling towards the tenants, and partly from the inability of the landlords to maintain their rights in consequence of their being compelled to enforce them through the medium of juries, which are usually composed of tenant farmers, whose prejudices are naturally in favour of the tenant and against the landlord, the decision generally being in favour of the former; and even where the landlord does succeed in enforcing his rights, a popular feeling is excited against him which he avoids. The landlord who has allowed breaches of the covenants of the lease to occur through goodwill finds, when the tenant quits, that the farm is deteriorated, and he has to spend large sums upon it before he can obtain a new tenant. With regard to the question of leases, three-fourths of the land in this country is held subject to six months' notice to quit. I fully expected that Mr. Howard was going to propound some form of compulsory lease, or of agreement for a lease, in his paper. I protest against having any form of lease or agreement made compulsory. Mr. Howard having confined himself to proposing that where no lease exists means shall be provided to secure to the tenant compensation for the improvements he has effected, I feel bound to express my general concurrence in his views. I deny that there is a monopoly of land. Land changes hands every day, and every farmer may, if he has money, become a monopolist. It is generally the tenant who makes the conditions to which the landlord must agree. Some limitation should be made as to the value of the improvements for which the tenant should be entitled to compensation, otherwise he may expend such large sums upon the property as neither the landlord nor the incoming tenant could afford to pay. If the sums expended by the tenant were too large, the landlord might find himself bound hand and foot to the tenant, who might force down the rent and convert his tenancy into a perpetual tenure. As landlords are entitled to compensation for deterioration by bad farming, so tenants are entitled to compensation for their improvements.

Lord Houghton: I happen to possess a little property in both those favoured counties, Yorkshire and Lincolnshire, and in them no doubt the system in force works very well, especially in the latter county, where the farming generally is excellent, and where the farmers—although there are but few leases—are nevertheless upon such a satisfactory footing with their landlords that change of tenancy is exceedingly rare. I never approach this subject without feeling an infinite admiration for the system of confidence between man and man which has grown up under the yearly tenancies of this country, and the large amount of capital which under those tenancies is invested. The system must be administered with singular prudence and generosity, otherwise one so liable to abuse could not continue to be the law of the land. Therefore I doubt whether such a bill as Mr. Howard's is really required. It is the landlord's interest as well as the people's at large that capital should be invested in the land. The landlord is the direct gainer by the improvements effected by his tenant. I regret to say that the impression made on the House of Lords' committee which lately sat on the improvement of land, of which I was a member, was not very

satisfactory upon this point. The report of the committee—which I would seriously recommend to the consideration of every person interested in the land question in this country—arrives at the conclusion that with the present various employment of capital in this country, the large development of industry of every kind, the investment of a very large amount of capital in the improvement of the soil cannot be reasonably expected. Drainage and other mechanical appliances, once considered to be almost an infinite source of valuable reproduction, have produced but a limited beneficial operation. Experience proves that the good effects of drainage do not last long. All intelligent landlords would make a sacrifice to induce persons of capital to take their land. I should dislike seeing the freedom of contract as between the landowner and the tenant interfered with, but I would consent if such an interference was likely to be followed by beneficial results. Mr. Howard has failed to satisfy us upon this point, or to show that any very considerable practical improvement is likely to follow from his bill. Mr. Howard's argument would have been very much enforced if there was a general impression that injury was done to the tenant farmer under the present system, but he has given no instance of it. I fear that the introduction of rigid legal obligations will almost of necessity carry with it less agreeable relations between landlords and tenants. It is of importance that between the landlords and the tenants there should be something more than mere money obligations. We know how scrupulous a landlord is under the present system not to turn out a man who is farming badly; but if a more rigid form of relation were introduced, I cannot help thinking that the tenant would not invariably be the gainer by the change. Under the proposed system the landlord would be inclined to look much more closely than he does now to the conditions under which the land is farmed, and, in the case of the tenant at will farming badly, to exercise his right of eviction. It might often happen that the landlord might think that the tenant farmer was putting his capital imprudently and unwisely into the land, whilst the tenant might be of a contrary opinion, and thus a collision and a very unpleasant feeling would be brought about between the parties. Such a state of things would lead to the continual interference on the part of the landlord with the tenant's mode of farming and other results disagreeable to the tenant. If some such arrangement as suggested by Mr. Hill could be made through the medium of Chambers of Commerce, in the nature of equitable arbitration, the interference of Parliament would be unnecessary. Mr. Howard ought to show to Parliament and to the country by what means more capital will be attracted to the land under his measure than at present. It should not be forgotten, in discussing this question, that the tendency of a measure of this kind would be to limit the occupation of land almost entirely to men of large capital. Such a tendency would very seriously affect a large class of persons who now hold small farms, and who have but small capital. By rendering obligations between landlord and tenant more rigid than at present, we shall diminish that class. Although perhaps such a change might result in pecuniary advantage to the country, and in greater agricultural production, it would increase—

which in my opinion is the chief political danger with which we shall have to contend in this country—the concentration of ownership of land into very few hands. We ought rather to adopt a course that would enable persons of small capital to purchase or farm land.

Mr. P. H. Holland (London): It has been remarked by Lord Houghton that a feeling of confidence has grown up between the tenant farmers and their landlords, and that the farmers are satisfied that they shall have the full benefit of their capital, which they have invested in their landlords' property, secured to them. To that statement I beg leave to demur. Unfortunately no such feeling of confidence between tenant farmers and their landlords exists. It is just because there is a want of confidence between them that there is a demand for a change in the present law relating to agricultural tenancies. It is because the tenant farmers have no confidence that they will benefit from investing their capital in the land that they refrain from making such investments. It is for the Association to consider whether it is not possible, without doing injustice to the landlords, to effect such a change in the law as will induce the tenant farmers to invest their capital in the improvement of their farms, and give them some security for the capital so invested, as if they were themselves the owners of the land. It is impossible that our tenant farmers should be the owners of the soil, but it is not impossible that they should obtain the virtual possession of the land. In the North of England a custom prevails under which building land is held as security as if under a perpetual lease, and as if the landlord were merely a mortgagee. Under this system the tenant is perfectly secure as long as he pays his rent. This system has come into operation not by force of the law, but by agreement. The system which is applicable to building land is equally applicable to farms. I cannot understand why our present system, under which both the tenant farmer and the landlord is injured, is persisted in, unless it is because we do not like to alter laws which show not the wisdom, but the folly, of our ancestors. If the tenant farmer could be made confident that his capital when invested in the land would be secure, there would be no need to change the law; but if he has not that confidence which it is said he has, why not make such a change in the law as will give it him? Where can be the harm of passing such a law as will give the tenant farmer that security for his capital which it is said he now possesses? If the tenant farmer has a legal security for his capital, instead of looking outside his farm as he does now, frequently to his cost, to make investments, he will invest his money in his land, which he will regard as his savings' bank, and no investment can be more profitable than the improvement of his farm. Farmers do not invest their money in their farms now, because they do not get the value of their investments returned to them; their landlords reap the benefit arising from the improvement of their farms. Are there not miles of ground in the county of Norfolk which are lying uncultivated in consequence of farmers being unwilling to risk their money in improving it? Landlords reap where they have not sown. In consequence of the present state of the law relating to agricultural tenancies, the towns are crowded with persons whose habits unfit them for a town life, while a

large number of our best agricultural labourers, unable to obtain employment, are driven to emigration; not natural emigration, unnatural forced emigration, brought about by the landlords' shortsightedness.

Mr. C. S. Read, M.P.: I think that the language used by Mr. Holland is hardly justified by the state of cultivation in the county of Norfolk, and by the good understanding which exists between the great majority of owners and of occupiers of the soil throughout England. I think that the argument of Lord Houghton has been entirely answered by the last speaker, when he said that it was our duty to take some steps in the matter; for on this question my hon. friend (Mr. Howard) and myself, although differing somewhat in political opinions, are cordially united. We prove our case by showing that the land of England is not properly farmed under the present system of agricultural tenancies, and that the chief reason is that the tenant farmer has no security for his capital. I claim for the tenant farmers that they are long-suffering and kind. If Lord Houghton will only go to the Chambers of Agriculture and to the farmers' meetings he will find that there are a great number of exceptions from the general rule that he has enunciated, when he said that the majority of landlords were kind and just to their tenants. Landlords die, and sometimes become embarrassed, and their estates then pass into other hands, and it is in these cases that most instances of injustice occur. The land of England is not properly cultivated; and although we should grow much more produce if we had security for the tenant farmer's capital, I quite agree with Lord Houghton that we must not expect too great a result should one succeed in affecting a change in the law. It is much easier to raise land to fertility than to maintain it at a high standard of productiveness. In the county of Norfolk we certainly do stand still in this matter. During the last twenty years very little permanent improvement has been made in the farming of Norfolk, and I do not believe that we now grow so much corn as we did ten years ago. The crops of turnips now grown are not as good as they were formerly. They are more subject to disease. This is partly due to high farming; the higher the farming the more the crops are likely to be affected by disease. Mr. Howard has referred to certain cases of high farming, and he has pointed to one in which the tenant produced the enormous quantity of 40,000*l.* worth of meat. Lord Houghton spoke of that as an instance of the enormous profit which the tenant realized. But I can assure the noble lord that every pound of that meat so produced was an absolute loss, as far as the production of the meat was concerned, and that the tenant looked for his remuneration to the increase in his corn crops that would follow from keeping so large a quantity of stock. Had that tenant been turned out of his occupation at the end of a tenancy of six months, he would have lost the profit which he expected to make from his increased corn crops. That case, therefore, is an illustration of the advantage of security of tenure. Mr. Hill says that he does not wish for any interference with freedom of contract, yet the proposal he makes is as much an interference with the freedom of contract as was that contained in the bill of my hon. friend and myself, which we had before Parliament last year. Mr. Hill

suggests that when a man enters upon a farm it shall be valued, that at the end of his tenancy it shall be revalued, and that all improvements which have been made by the tenant shall be compensated for. That was exactly what the bill which was introduced by the hon. member for Bedford and myself proposed to do, but in a more practical way, because it specifies what are and what are not to be considered improvements. It is not intended to give the tenant the benefit of an increase in the value of the land in consequence of a railway being carried through it, or of a manufacturing town springing up in its vicinity. We specified in the bill certain improvements which we show to be generally necessary, and which involve an investment by the tenant. A farmer ought not to be compensated for all the improvements he has effected, but merely for those of which he has not been allowed to reap the benefits. If the farmer has been compensated for his outlay by obtaining a lease at a low rental, he has no claim to further compensation. I wish to say one or two words in reference to the advantages which have resulted from the operation of the Irish Land Act, to which allusion has been made by Mr. Heron. I should wish to explain to this meeting, which is not composed entirely of practical farmers, what we mean by English tenant right. We certainly do not mean by the term *perpetuity of tenure*, or the extension of that very impracticable custom, the Ulster tenant right, which is simply a payment for goodwill. We do not wish to establish a system of compensation for eviction, but that when a man has been evicted before the improvements he has effected are exhausted he shall receive full compensation for them. As to the Ulster tenant right, the money paid by the incoming tenant sometimes amounts to 10*l.* per acre, often to more, and that is for goodwill—exactly what is required here as capital for the cultivation of the land, and consequently every man in the north of Ireland who wishes to cultivate his land well must possess double the capital necessary here. It is therefore certainly not payment for unexhausted improvements. Indeed I have known cases in which the land has been in a frightful state, being foul and undrained, when the outgoing tenant has been paid 5*l.* and even 10*l.* per acre for the goodwill of his farm. The Irish Land Act fails in this, that as to farms above 50*l.* in annual value the landlord is able under the Act to contract himself out of all the provisions of the Act. The great landlords in Ireland, in all their new leases and agreements, have inserted a clause of this nature—I refer particularly to the farms held under the Duke of Leinster—that tenants shall on no consideration receive any compensation whatever under the Irish Land Act. It is a failure on the part of the Act that it awards compensation to an evicted tenant of a farm of less than 50*l.* annual value, for mere disturbance, while it gives no compensation whatever for unexhausted improvements. The Irish Land Act is also a failure, inasmuch as it permits the landlord to contract himself out of its provisions when the farm is of a greater annual value than 50*l.*, and of that permission the great landowners have availed themselves. When it is said, 'Do not let us have any interference with the freedom of contract,' it seems to be forgotten that many Acts of Parliament which are passed in these days interfere with

the freedom of contract, such as the Licensing Act, the Education Act, and the Ballot Act; the ten hours bill, the bill for the regulation of coal mines, and the Truck Acts. I contend that the law as it stands is all on the side of the landlord. I ask whether it is right that the tenant's money, which, while it is in his own pocket, is entirely his own property, should, when it is put into the land for the good of the nation and of the landlord, pass into the pocket of the landlord and no longer be his?

Dr. De Meschen (London): It is the interest of all classes that capital should be invested in the land, and that the law should be so framed as to offer inducements to the capitalist to invest his money in this direction. The only way to do this is to give security to the tenant farmer for the capital he invests in the land. Sir F. Boileau has asked how the tenant is to be prevented from making an injudicious expenditure. Why, if the expenditure is injudicious the value of the land will not be improved, and the tenant will receive no compensation whatever for his outlay. The 50*l.* clause in the Irish Land Act has been objected to. That clause protects the small farmers, but leaves the larger farmers to protect themselves. But these latter are, Mr. Read tells us, unable to protect themselves. One speaker has asked how the law of hypothec can affect the tenant farmer. It does it by preventing him from getting his seed on credit. If the seedsman knows that the landlord or a farmer can step in and sweep off the whole of the produce, he will not give the farmer credit. Under the present system the landlord has the power to pay himself before any other creditor gets a farthing. Credit is as necessary in farming as in any other trade.

Mr. Saunders (Hayle): I want to know, with regard to Mr. Howard's bill, does he merely require compensation to be given to the tenant for unexhausted improvements, or does he wish to interfere with freedom of contract? There are few landlords in England who would object to a legislative enactment giving tenant farmers a right to unexhausted improvements. So far the law of England is not perfectly fair between landlords and tenants. The right to unexhausted improvements is one which the tenant should have fixed by legislative enactment. To interfere with freedom of contract beyond that point is unnecessary. The landlord is not able, as a rule, to dictate terms to the tenant farmer. Such, at all events, is not the case in all parts of England. In Lincolnshire, Bedfordshire, and Norfolk, it may be that when farms are vacant there is almost a scramble for them, but it is not the case all over England. This question is settling itself without legislative enactment, and in future we shall not find such a scramble for farms as we have hitherto. Lord Portsmouth, a most popular landlord, has now on his hands three farms which he cannot let. The manager of a large estate in Yorkshire has also told me that the farmers to whom he let two of the farms upon the estate last year told him that he had been very lucky in letting them last year, because this year they would not have had them at a gift. Give the farmer compensation for unexhausted improvements, but don't go beyond that, and do not let us hear anything about that which is talked of in a loose way as tenant right. A form of tenant right, suitable for Bedford and Norfolk, is not suitable for the whole of England. Mr. Heron has

told us that the Ulster tenant right fluctuated in every county in Ireland, and that it was impossible to define it. Let the tenant farmer be compensated for unexhausted improvements, but do not introduce any cut and dried form of lease or agreement that might be inapplicable to the whole of England.

Mr. F. Dix (Norwich): It is only just to tenant farmers who invest capital. With regard to large occupations, I think that if they were adopted to too great an extent they would have a most injurious effect, inasmuch as they are calculated to destroy the attachment of the agricultural labourer to the soil. I should prefer seeing a number of small farms, and in some cases of even very small farms, which might act as stepping-stones to the agricultural labourer who is intelligent and anxious to get on in life. Such farms give the agricultural labourer the prospect of having a stake in the country. I know of seven or eight individuals having small farms, every one of whom I recollect as agricultural labourers. Had it not been for these small farms, those men, who possessed more than the ordinary run of intelligence, would have emigrated, and their services would have been lost to the nation. It is men of this kind who improve their farms, and who moreover give stability to the country.

Mr. Richardson: Small farmers labour under great disadvantages. For instance, they cannot borrow money from a bank. Mr. Read estimates the amount of capital required by a tenant farmer at 10*l.* per acre, but he puts the amount too low; 30*l.* per acre is required. I am compelled to employ an amount of capital equal to two-thirds of the value of the land I farm, but I do not farm for profit. I farm very highly, to set an example. It is often very difficult to induce landowners to improve their land. A tenant for life will not drain, nor will the tenant invest his capital in the land under present conditions. Investors do not buy land, because it only returns three per cent.; but lend it to America, where it is spent in doing the very things which want doing here. This enables the Americans successfully to compete with us. The consequence is that our best labourers and small farmers go to America, where they are able to buy land of their own. I have a man working for me at a guinea a week, who is worth 800*l.* or 900*l.*, and I tell him he cannot do any good with his money here as a farmer, and that he must go to America. He was obliged to leave his farm because his rent was advanced.

The Chairman (Mr. Joseph Brown, Q.C.): By the old law of England whatever was planted in the land became the property of the landowner at the end of the tenant's term, but that law is modified by the customs of different counties; in fact there is hardly a county in which a custom does not prevail under which the outgoing tenant is entitled to what are termed 'tillages' from the incoming tenant. If the parties cannot agree as to the value of these tillages, the amount is settled by a jury. If the alteration in the law contemplated by Mr. Howard is made, it must be accompanied by some provision for the establishment of a tribunal which shall have power to determine disputes arising between landlords and tenants. I have had great experience at *Nisi Prius* of cases of that kind, and I feel satisfied that

when they are tried by a common jury the result is unfair to the landlord, and that when tried by a special jury the result is unfair to the tenant. It is therefore obligatory that some such tribunal should be set up as that established to administer the Irish Land Act, so as to do away with the necessity for a jury. In the course of my experience I have seen considerable injustice done to tenants under that provision of the Statute of Frauds which requires all agreements for the purchase of goods over 10*l.* in value to be in writing. This restriction greatly interferes with the sale of farming produce and implements, and especially of fixtures. It is very rarely that a written contract is entered into between the outgoing and the incoming tenant, and the former finds himself powerless to enforce a verbal one. Thus injustice is often inflicted upon the outgoing tenant by this provision, which in my opinion ought to be abolished. Much has been said respecting the sacredness of freedom of contract, but Parliament has already interfered with freedom of contract as between landlord and tenant. The tenant has had the right given to him by Act of Parliament to deduct from his rent the amount of property tax paid by him, notwithstanding agreement to the contrary. Before the usury laws were repealed the law said that no man should exact more than a certain percentage for the loan of money. Lord Mansfield said that the borrower was the slave of the lender, and that therefore it was necessary that the law should protect the former. I think that much the same observation applies to landlords and their tenants.

Mr. Howard, in reply: Mr. Hill commenced his observations by stating that he agrees with me as to the principle I have laid down in my paper—that the tenant farmer ought to be compensated for the investments he has made in the land—but he differs from me as to the mode in which the principle should be carried out. In my opinion the difference between Mr. Hill's proposal and my own is narrower than he appears to think. If my proposition is carried out, the landlord's right to compensation where the farm is deteriorated should be made reciprocal, and the tenant farmer should obtain the value of his improvements on quitting the farm. Under the present system of law the landlord is exposed to much prejudice in the locality if he attempts to enforce his legal rights; and it is often difficult to get a jury to agree, even when the evidence is incontestably in the landlord's favour. In the bill which I have laid before Parliament I have proposed that all these questions shall be settled by arbitration; the amount of compensation to be awarded to the tenant for unexhausted improvements, or to the landlord for dilapidations, was to be ascertained without loss of time, trouble, or unnecessary expense. Sir F. Boileau has said that men of capital, except upon large estates, will not take the land to farm. I may reply that there must be legal conditions existing which prevent men of capital from entering into the business of farming, or they would come forward and take the farms readily enough. I know of a case in the county in which a tenant farmer of large capital has been repelled from taking a farm, in other respects most eligible, because of the condition that the game is to be reserved. The tenant farmer already having had bitter experience of such a condition, said he

would have nothing whatever to do with the farm under such circumstances. I believe that the reservation of game without any compensation being made to the farmer from the loss he thereby sustains is a very fruitful source of objection to the taking of farms by men of capital. The law of distraint in this country and the law of hypothec in Scotland induces landlords to accept tenant farmers who have not sufficient capital to work their farms to the best advantage. In reply to the remark that I have not cited cases of individual hardship which show the necessity that exists for making a change in the law, I beg to state that I have met that objection by anticipation in my paper, by quoting the opinions of practical farmers and those of the Central Chambers of Agriculture in England and Scotland, and of some forty other Chambers of Agriculture. When it is recollected how large a number of landowners are represented in these Chambers of Agriculture through their agents, it is very surprising that so large a number of tenant farmers should have been bold enough to state their opinion that legislative interference on the subject is necessary. It is to be regretted that the Lords committee, which sat to consider the question, did not hear the evidence of more than two or three tenant farmers on the question, one at least of whom was an agricultural agent, and who of course, naturally took the landlord's view of the subject. Had the House of Lords committee heard the opinion of the London Farmers' Club on the question, probably they would have arrived at a different conclusion. The committee of the club, which consists of land agents of noblemen and tenant farmers, having discussed the question, passed a unanimous resolution in favour of legislation to secure compensation to the outgoing tenant for unexhausted improvements. I cannot agree with the view that landlords are willing to compensate outgoing tenants. Tenant farmers are often tied down by the most absurd restrictions in the conduct of their farming operations, and they know nothing whatever of freedom of cultivation, and the bulk of them hold their land subject to six months' notice to quit. Instances of individual oppression do not come before the courts of law, but they are many. At the London Farmers' Club it has been stated that a farm in the Midland Counties has been revalued three times within twenty-one years, and that on each occasion the rent has been raised. It is not generally the rent of the indifferent farmer which is raised, but of the intelligent man, who employs his capital in improving his farm. The number of cases of oppression are, however, few as compared with the number of tenant farmers. When the Duke of Rutland, himself a very good landlord, sold part of his estate, his tenant, who had had large experience of steam ploughing, and who had enormously increased the value of his farm by ploughing it three times as deep as usual, received six months' notice to quit from his new landlord, who pocketed the value of the tenant's improvements. Great distrust exists on the part of the tenant farmers generally. Any bill dealing with the question of compensation for improvements must be founded on principles of justice, as between the landlord and the tenant, and also upon general principles, which are not injurious to the public interest. To show that my bill has been framed upon these

principles, the steward of a noble proprietor has said that there is nothing in it which he would object to insert in any agreement between his principal and the tenant farmers on the estate, and that any Act enabling the landlord to contract himself out of its provisions would be worthless. Opinions of intelligent tenant farmers show that no such thing as freedom existed. The State had, in the Truck Acts, interfered with freedom of contract. By clause 4 of the Irish Land Act the general principle of freedom of contract was at one sweep brushed away. Also in the Shipping Acts, the Factory Acts, the Mines Regulation Acts, the Licensing Acts, and the Railway Acts, the power of the stronger party was controlled; and if it could be shown that the interest of the public required State interference between landlord and tenant, it would not be unconstitutional, but in accordance with principle, to prevent, by express enactment, the landlord from misusing the advantages of his position, and compelling or inducing his tenant to forego the rights intended to be secured by statute. Legislative enactment has frequently restrained the misuse of the advantages given by certain positions, and has compelled men to act justly and properly.

---

*Transfer of Land and Registration of Title: as the question at present stands in England and Ireland.** By R. Denny Urlin, of the Middle Temple, Barrister-at-Law, Principal Officer of the Record of Title, Ireland.

ALTHOUGH the subject of land transfer and registration of title has on several occasions been brought under the notice of this Association, that subject has hardly received more attention than it merits. It is intrinsically a difficult one, requiring much time and many experiments for its proper elucidation. To state the mere history and present position of the question would be in itself no slight task, and therefore I shall assume that this department of the Association is not oblivious of the facts and arguments which have from time to time been presented to its notice. They will be found scattered through the annual volumes of "Transactions;" and many of them were clearly and ably brought to mind by Sir R. Torrens in his paper read before the Association so lately as the meeting of 1872.

As far back as the year 1859 some of the most eminent lawyers in England had come to the conclusion that the only mode of simplifying titles to real estates, and of facilitating the sale and transfer of them, was to establish a new register which should disclose the *actual ownership* of land. Registration of the contents of *deeds* had been introduced for certain English counties—York and Middlesex—early in the last cen-

---

* See *Transactions*, 1872, p. 159.

tury; also a central office of exactly similar character for the whole of Ireland, which is still in operation. It would have been strange if this legislation of the time of Queen Anne were found sufficient for the exigencies of modern times: suffice it to say that the principle of the registration of deeds has been condemned by all competent authorities, notably by the Royal Commissioners of 1857, whose Report, contained (with the evidence) in a ponderous blue-book, is a valuable repertory of information. In Ireland, so far back as the year 1849, the complication of titles had become a public evil of the greatest magnitude; and the remedy was found in the establishment of the "Incumbered Estates Court," which, during the nine years of its duration under that name, absolutely and indefeasibly cleared the titles of lands of the aggregate value of twenty millions sterling. In 1858 this tribunal was rendered permanent under the designation of "Landed Estates Court," with enlarged jurisdiction. Power was given to give conveyances and declarations of title of land of all tenures, incumbered or otherwise. This court is now usually resorted to whenever an Irish estate is to be sold, for purchasers prefer that perfect guarantee of title which the court alone confers. On an average about 200 estates of various sizes pass through its hands annually, and of these the value may be roughly estimated at a million sterling.

In 1859 two bills, very carefully drawn by Sir H. Thring, were introduced by Lord Cairns (then Solicitor-General), whose elaborate speech on bringing them forward in the House of Commons (February 11, 1859) may be referred to as an admirable summary of the evils existing and of the remedies proposed. One of these bills was for the establishment of a Landed Estates Court for England, to be presided over by "Judicial Conveyancers," who, without assuming the dignity and state of vice-chancellors, would have gradually cleared off those complications of title which render many estates unsaleable, and render all estates only saleable under conditions more or less injurious, and at considerable expense. The second bill was to establish a register of the titles so judicially ascertained, in order that future complications might be impossible. Unfortunately these two bills (although favourably received) were dropped, and have never been re-introduced. Most of the advantages which they would have secured for English titles were about the same time secured for property in several of our colonies, under the system with which the name of Sir R. Torrens is so honourably associated. The "Real Property Act" of South Australia, prepared under his

directions in 1858, was the beginning of a series of measures which, although at first meeting with strong opposition, have worked most successfully and beneficially.

The Act of 1862 (25 and 26 Vict., c. 53), known as Lord Westbury's, established, as is well known, a register of indefeasible titles open to such landowners as chose to submit their titles for examination. No judicial powers were conferred, and the absence of such powers appears to have militated against the success of this measure, which has not worked extensively. Sir R. Torrens showed last year that there were other defects in the Act of 1862. Instead of simply stating the *ownership* of the land, this registry admits of deeds and instruments of any kind being brought in; from which it follows that many of the titles will in course of time become again involved in complication. Lord Westbury, who can no longer vindicate his handiwork, probably deemed it judicious to give latitude to the conveyancers, not imposing on them any new and inflexible method which might prove distasteful. Hence his Act allowed deeds of any kind to be registered, although the immense preponderance of authority then was, and more distinctly is now, in favour of a register of *simple ownership*, as in the case of Government stock and railway shares.

All who are familiar with this enquiry will remember that other defects were brought to light by the latest Commission of Enquiry, that which reported in 1870. The blue-book issued by those commissioners contains a mass of information on the working of Lord Westbury's Act, and the hindrances of all kinds in the way of its working. It also contains proposals for remedying the defects, and greatly enlarging the scope, of the land registry.* It is not too much to expect that for many years to come any legislation on the subject will be devised with a view to carrying out these recommendations.

It is observable that by the learned and acute persons who conducted this enquiry, as by Sir R. Torrens, the *simplicity* of the register is held to be a matter of supreme importance. Trusts should (they consider) be altogether excluded: property in settlement should be transferred into the names of the trustees: if any improper dealing is to be guarded against, this must be done by a *caveat*. Only short statutory forms of deeds are to be accepted for registration, as in the case of Government stock. Special clauses must be embodied if they

* The proposed enlargement of the Registry by admitting titles not certified or guaranteed, is considered in a Paper read by the Author before the Statistical Society of Ireland, December 1873.

are required in separate instruments, of which the Registrar will make no note on the register, although they may be deposited for safe custody.

These recommendations, and many others which cannot here be noticed, have been kept in view in the preparation of the bill by the present Lord Chancellor, which proposes to repeal Lord Westbury's Act, re-enacting many of its clauses, and making such changes in the land registry as long experience and full consideration have suggested. The Lord Chancellor's bill, after being read a first time in the House of Lords in April 1873, made no further progress, but it can hardly be doubted that it will be re-introduced; and in the meantime it is most desirable that the intelligent criticism of legal minds, conversant with the difficulties which surround this question, should be directed towards it, with a view of perfecting a measure the importance of which can hardly be over-estimated.

This is no fitting opportunity for examining the details of a bill containing 173 clauses; some of them seem to require amendment, and the scheme as a whole ought to be carefully revised in view of the experience lately gained in Ireland under a system which now calls for a brief notice.

In the year 1865, after many years' working of the tribunal which has jurisdiction over titles to land in Ireland, a bill was passed opening, for the use of such as chose to avail themselves of it, a register or record of indefeasible or parliamentary titles. The project was of a very limited and tentative kind. The Government of that day refused to establish any new department: and required certain of the existing officials of the Landed Estates Court (who are thereby placed in a worse position as regards vacations, &c., than the rest) to undertake the duties and responsibilities imposed by this Act. Evidently this was inaugurating a new system under conditions as unfavourable as could well be imagined; and there were many other discouragements in addition to active opposition. Perhaps there is no such instance on record of a new and most important function thrust upon a public department already occupied with other business, and without adequate machinery of any kind. If the Government had ordered the Trinity House to conduct a deep-sea exploration, or had ordered that Armstrong guns should (for economical reasons) be cast in the workshops at Woolwich, in which the anchors are forged, the absurdity would have been obvious. The public mind acknowledges it as axiomatic that new and important work shall be committed to willing as well as to competent hands, furnished with all things necessary for the undertaking.

Law reforms have little interest for the general public; and amongst the ranks of the lawyers, where there is a better comprehension of the matter, there is much silent repugnance to simplification of processes. Far be it from me to say that complication and consequent expense are preferred for their own sake by lawyers, or valued from any motive arising out of self-interest. The truth is, that old and well-known paths are as a rule preferred to such as are untrodden; and that from tradition, usage, and *vis inertiæ*, the profession is for the most part found arrayed against even so evident an improvement as registration of title to real property.

Recurring to the experiment now for some years past in trial in Ireland, it is found that the legal practitioners prefer the old system of registering deeds under the statute of Anne, because they understand it. The purchasers of land in the Estates Court are (with very rare exceptions) wholly ignorant of the points of difference between the two rival systems, and they place the matter entirely in the hands of their solicitors. The solicitors, willing to go in the groove to which they are accustomed, and in some instances not even making themselves acquainted with the new Act, send the clients for signature a form of "*requisition excluding the Act.*" Hence it follows that in about nine instances out of ten the new proprietor shuts himself out of the advantages which the Act was designed to confer upon him.

Such is the practical working of a voluntary and permissive Act. The fact that it *is* voluntary and permissive militates against its success. Over and over again the question has been asked—If Parliament really approves of this system of registering titles, why is it not made general and compulsory? The permissive clause may be regarded as merely a weak-minded evasion of responsibility on the part of the Legislature, and as imposing undue responsibility on individuals. The solicitor, therefore, declines the responsibility of advising his client to come within the scope of a new law, as to which the legislature has spoken in so doubtful a manner, and which has not been construed and expounded by the Courts of Justice. In short, both in England and Ireland, the question has hitherto (to use plain language) been unworthily dealt with, if not shirked. A vastly improved system has been sanctioned in such a feeble and half-minded way that people are afraid of it; and on the whole they prefer evils to which they are accustomed, to benefits placed before them in an unattractive and inadequate manner.

The Report of 1870 shows that there was a notion abroad that Lord Westbury's Act "was not intended to work;" and

in Ireland, when the legal profession saw that even offices and clerks—the ordinary machinery of business—were denied, they refused to believe that the new system was really intended to supersede the old registration of deeds, and many thought it unnecessary even to enquire into its merits. In short, the limited operation of the Act is distinctly chargeable on the unfavourable conditions under which it was introduced. Yet I must emphatically deny that the Acts introducing registration of title in England under the Act of 1862, and in Ireland under the analogous Act of 1865, have proved to be failures. It is true that not more than five or six hundred separate properties altogether have been registered under each of those Acts. It is true that the rate of progress is so slow that centuries would be required for bringing the landed property of the country generally under the new system. What has been effected is little more than experimental, but the experiment has been tried and is found successful. If a new steam-plough is found effective in its working over an area of 50 acres, the conclusion naturally arrived at is that similar machinery would prove effective over the entire county. Large quantities of material are not regarded by chemists and other scientific enquirers as necessary for the purposes of experiment. As regards the Irish registration of title (that with which I am most intimately acquainted), it can be shown that, notwithstanding some defects in the Act, and many difficulties thrown in the way of its working, the result is highly promising. The machinery is found to work smoothly and satisfactorily, and so far it fulfils the hopes of its inventors. A parliamentary return of the session of 1872 shows that ordinary dealings with land may by its means be enormously simplified. A sale or mortgage may in ordinary cases be begun and completed within the space of one hour, and with absolute security to the purchaser or mortgagee. The new register even now is almost as simple in working as the bank register of Government stock. A few formalities as to due execution of instruments, identification, &c., are strictly observed, and very brief and simple forms of transfer and of charge may be used. I say *may* be used, because as the Act stands the parties are at liberty to draw up their instruments in any form which they may prefer. Sometimes long and complicated deeds are brought to the office, and as the officer is obliged carefully to read them over, in order that he may make a correct note of their contents and legal effect, delay is in such a case unavoidable. But where the short statutory forms are used, transactions are completed with hardly more delay than is involved in the transfer of Three per Cent. Consols, or of the stock of a railway company.

After careful consideration, extending over some years and aided by practical knowledge, I have come to the conclusion that Sir R. Torrens is right in requiring that simple forms of transfers, &c., should *alone* be accepted. Experience has shown that the business of a transfer office cannot be readily got through if the conveyancing forms are uncontrolled. Last month, *e.g.*, a deed dealing with an estate on the Irish record of title, and which occupied fourteen folio pages of parchment, was brought for registration. It was in fact a settlement of no simple kind, and to any officer who had not been legally trained it was all but unintelligible; while the trained lawyer would hardly undertake to read and make a correct abstract of such a deed in much less than an hour. Such an incident would impede all the business of a public office, in which arrears must not be allowed to accumulate.

This option of bringing in deeds of any length, and in any form, is therefore one of the main defects of the system, as it is now in operation both in England and Ireland. The permissive character of the legislation hitherto effected is the other important defect. There are minor defects: but it is unnecessary to prolong this paper by entering into details which involve no principle, and which are only intelligible to such as are perfectly conversant with the existing Acts.

On the Jury Laws.

By C. W. Ryalls, LL.D., Barrister-at-Law.

At a time when so sweeping a measure as the Judicature Act of last Session has been passed, and when a measure affecting materially the constitution and office of the jury was withdrawn by the Attorney-General, chiefly in consequence of an opposition which was founded on collateral rather than on direct objections to the bill, it cannot be out of place to call the attention of the jurisprudence section of this Association to some of the points of the Jury Laws which require alteration and amendment, either with a view to the interests of the juryman, the suitor, or the citizen.

It is the peculiar province of an Association for the Amendment of the Law, not only to watch with concern, but to influence for the best any change in an institution which has been so radically and beneficially the mainspring of our liberties and the glory of our constitution, as has been the institution of trial by jury.

Of any attack on the rights of the subject in the recent

proposals of the Government to the Legislature, it would be idle to speak; but we cannot be too careful in legislating on what I have termed, as I believe correctly, the mainspring of our liberties, lest we bequeath to posterity that which we received as an heirloom diminished in power or in value. Confidence may overcome caution. The affluence and ease of our liberties at the present may render us alike forgetful of the past and heedless of the future, and the very hope which present confidence inspires may lead to rashness and to loss. But whilst thus cautious in altering an institution of our law which is so truly deemed the secret of our liberties, we must not be unaware or careless of the exigencies of to-day, nor refuse to consider all the facts and influences of the history of the past which have made trial by jury so valued and admired. The state of society is entirely different to what it was in the early days of this institution, so that the jury is differently constituted. The burgess and the yeoman are now found together, as at first they were not, and the education of the people has altered their respective capacities; but the increased number of the community, and the difficulty of every man knowing his neighbour, together with the devices with which civilised experience makes us acquainted, has, perhaps, increased the opportunities of packing a jury. With these general remarks I will proceed to consider the changes which were proposed by the Jury Bill of last session.

The proposals of the Government Jury Bill may be divided into three classes.

I. The Qualifications of Jurors.
II. The Constitution of the Jury.
III. The Functions of the Jury.

I.—The qualifications in the Government Bill were founded on what it is submitted is a most reasonable and just principle, viz. the graduation of rentals according to the population of the locality of the juror's qualification. A house rented at 50*l.* in London, and one at the same rent in Norwich, is a very different house, and has a very different tenant. To meet this disparity, the Bill provided for a smaller rent creating the same qualification in a thinly populated place as a larger rent created in a thickly populated locality. Nothing more need be said of this principle than that the equalization of these disparities is a matter of detail involving no general principle.

There was, however, one character of this part of the Bill which is capable of improvement. The Bill merely pro-

vided a rating qualification, and did not recognize a personal qualification. This rating qualification excludes, or rather fails to include, a class of persons who might with facility and propriety be included in the list of jurors, viz., "gentlemen at large." The man of business whose daily bread depends upon the attention which he gives to his business, complains of the hardship of his duties as a juryman, and points with discontent to the man of wealth living on his means, and with his time unoccupied, but who has no rating qualification, as unfairly exempt from duties to which a ratepayer is amenable. It cannot be contended that the rated householder has not great and grave cause of complaint. It is property that is necessarily a cause of litigation, and the property owners should bear their fair share of responsibility and labour. Yet a man may have independent means to the amount of thousands annually, and if he is not a ratepayer he is exempt from the responsibilities of a juryman. It is needless to remark how many of such persons live in the metropolis. Many persons, too, holding excellent clerkships, live in lodgings and are exempt from the duties of jurymen. Many clerks, struggling with hard times, live in houses of their own, and are ratepayers, and are compelled to serve as jurymen, perhaps with a deduction of wage for the time so occupied, the better class clerk running no risk of such a forfeiture. The extent also to which furnished houses are taken in the metropolis, and the number of single men of fortune there residing in lodgings would give a population of intelligent and unemployed men which would very much swell the list of jurymen, and particularly in the metropolis, would materially ease those who are at present called upon to discharge this public duty at great personal sacrifice. To meet this requirement the following qualifications should be created for special and common jurors:—

1. For Special Jurors. The possession by any person in his own name or in trust for him of a clear income of 500*l.* per annum derived from any source, whether from property or from earnings in a profession or trade.

2. For Common Jurors. (*a*) The possession by any person in his own name, or in trust for him, of a clear income of 100*l.* per annum, derived from property of any kind.

(*b*) The possession of a clear income of 200*l.* per annum derived from any source, whether from property or from earnings in a profession or trade.

It will be observed that under such qualifications as these every person who satisfied the qualification for a special juror would equally satisfy the qualification for a common juror,

because every person having 300*l.* per annum from any source, must necessarily have 200*l.*

An objection may be raised to the personal qualification I have suggested, in addition to the rating qualification at present existing, that it would be difficult, if not impossible, to enforce it. Of all proceedings in the world some are easier than others, and it is no objection to any proposed legislation which is right in itself, that it can only be carried out with difficulty. We cannot tell what the difficulties will be till we adopt the scheme; and when that is done it is a duty, and seldom an impossibility to find efficient means of working it, and to improve those means from time to time. Experience, however, tells us that there would be no unusual difficulty. The same machinery might be used which is used for the purpose of ascertaining the facts necessary to the collection of the income tax; and although complaints have been made of the impossibility of ascertaining what amount of income tax a person ought to pay, we have not heard of complaints of the difficulty of getting at persons who were liable, although not ratepayers. Every householder should be compelled to state to the overseer the names of persons resident in his house, and when so returned the names should stand upon the jury lists till duly exempted. This practice would defeat a trick which is now somewhat extensively practised in the metropolis of a man taking his dwelling-house in the name of his wife, in order to save his name appearing on the overseer's list of ratepayers, and, therefore, on the list of jurymen. The question arises, Are special jurors to be placed on the same list as common jurors, and to be similarly liable to serve? We would answer, Certainly. The practice at present is that special jurors and common jurors are placed on different lists, and are, of course, summoned on different occasions. This, however, is not the only difference. The special juror is paid for his services, and may on many occasions earn his three or four guineas per diem. The common juror has no payment, and yet the common juror is the man who most needs and deserves to be paid for his services as a juryman, for more reasons than one; as for instance, the common juror is often a poor man, and the special juror well-to-do. The common juror is frequently a tradesman in a small way of business, having no substitute whom he can leave in his place to attend to his business; or often he may be a clerk whose absence may endanger his situation: but the special juror is generally a person in a larger way of business, who can leave the temporary execution of his business and commands to others; and so his

loss in leaving his business is very slight, if any. Again, the common juror is liable to be called on oftener than the special juror, because the common juror is called on to try criminal as well as civil cases; whereas the special juror is only called on to try civil cases. Again, the common juror is liable to do more work and be detained longer when he is summoned than the special juror, criminal business being done at the same time as civil business, and common jury business frequently being more tedious and always more numerous than special jury business.

It may therefore very fairly be asked, "Did the law really ever intend that the wealthy citizen should be called on seldom, do small work, and have fair pay, whilst the poor citizen should be called on often, should do much work, and have no pay whatever?" The answer here given to such a question is that the Legislature never intended any such thing, and that the present practice has grown up in defiance of the spirit of the law on the subject. The true reason of the special juror being paid for his services, is that he is liable to be called on as a special juryman in addition to his duties as a common juryman. Such a law is both reasonable and just, and if this is the law but not the practice at present, the sooner the practice is made to accord with the law the better. Such a result would have followed if the Government Bill of last session had become law.

The result of such a measure would be that the special juror would be, in almost every case, sitting along with the common juror. There does not seem to be any objection to a practice which ensures a less-informed person being associated with one more informed. An objection has been urged that it would be unfair to associate the squire with his carpenter; such an objection could hardly proceed from any other than a coxcomb: and besides, such association has undoubtedly, occasionally and by accident, occurred under the present system, and yet we never heard the objection raised that justice failed in England because there were upon the jury one or two men of higher position or qualifications than their fellows, though the complaint is sometimes made that jurors are not of a sufficiently intellectual character. Nor does there seem to be any force in the objection that the squire or person of influence would unduly suppress the expression of adverse opinion by his tenant or his tradesman; there can be no greater danger of this under the composite system than there is of other equally strong influences under the present system.

There was, however, in the Government Bill of last

session no clear and sufficient provision for a jury panel being summoned in certain proportions from the common jurors and special jurors. In the absence of some such provision as this, a jury panel might be composed entirely of common jurors, and so the present state of things might occasionally repeat itself, and a composite jury, which the Attorney-General did his best to establish, would not always be secured. There was on the part of the House of Commons a marked and most unaccountable dislike of this proposed reform. Its novelty might be some objection, but it is to be hoped that consideration of the scheme will lead to its eventual adoption.

An anomaly exists in the present state of our jury laws, which is by no means creditable. There is no provision for a special jury on a criminal trial, and whilst on one side of an assize court a suitor is entitled to have the question of indebtedness as to a few pounds, or a trivial right of way, tried by a special jury of some of the ablest and most intelligent men of the county, yet at the same time a man who is on trial for his life can only be tried by a common jury, which may be composed of the least competent and most ignorant men in the county. This almost disgraceful anomaly would also have been removed if the Jury Bill of last session had become law.

If our jury system does what it professes to do, viz., provide as the law best can for procuring a superior and more intelligent class of men as special jurors than can be secured from the common jury panel, then surely that best class should be as available to a man whose life, liberty, or reputation are at stake, as to the man who seeks a court of justice for the settlement of some trivial dispute.

II. Constitution of Jury.—The debates of last session on the Jury Bill unmistakeably show that public opinion is not yet prepared for a diminution in the number of the jury. There seems to be no better reason in favour of the number of twelve than there is in favour of any other number, nor is there any better reason against that number than there is against any other number. In the absence of a good reason for a different number, any change in the number must be considered inexpedient. When the number of the jury was fixed at twelve, as I have pointed out, very different circumstances surrounded the institution to those which surround it now, nor were the duties exactly the same; still the present number has worked fairly well, so far as number is concerned, and we have never heard of jurymen complaining that their fellows were too numerous. Looking at the fact that no two jurymen have ever known one another before they meet in the

jury box, looking also at the difficult issues which they have to try, and the danger that there may be of getting incompetent and careless men, it may be fairly contended that there is the greatest security for all parties in having a jury which is not too limited in point of numbers; and perhaps it might fairly be asked, whether the reason why the jury of five in the County Court is not often appealed to, is not, amongst other things, in consequence of a conviction that it is too small to be efficient when summoned, and attended with too great a danger of being packed in the interest of one suitor. There are other considerations which afford arguments in favour of a jury composed of the present number, and not the least weighty is this:—Jurymen engaged in commerce have not unfrequently a strong interest in favour of a particular finding, and where there is not interest there is frequently prejudice. Suppose a jury of five, with two underwriters upon it, and the cause to be one in which fraud or concealment was alleged against a large claim on a policy. Two persons out of five would have great opportunities of persuading their fellows to the side to which their own interest inclined, but in a jury of twelve that influence would be much less. In the consideration of this question, too, it must not be forgotten that the jury deliberate in private, and, unlike the judges, give no reasons for their decisions; the courts, too, show the greatest reluctance to disturb a verdict; if the jury were smaller a disposition might arise to mitigate this rule, new trials might be more frequent, jurors would thus not be relieved in the long run, and the principle would be violated, *interest reipublicæ ut finis litium sit.*

It cannot be denied that there are some inconveniences arising from our present jury system, calling for some efforts at amendment, and this brings on the consideration of the third division which I have made of the subject, viz.:—

III. The Functions of the Jury.—Those functions are to give an unanimous verdict, and that verdict may be a general one.

There was no proposal by the Government Bill of last session to take away an unanimous verdict of twelve in trials for high treason, treason felony, and murder; the recommendations of this Association on that Bill were in favour of an unanimous verdict in trials for those crimes, but recommended that a majority of two-thirds should be sufficient in other criminal cases; and did I entertain a contrary opinion, I should not deem it advisable to urge it at present, seeing that the opinion of the Legislature and the public is so strongly in favour of the present rule.

As has been pointed out by the learned President of this department in his most able address, it certainly is unfortunate that one man out of twelve should have it in his power by mere perversity to cause both parties to spend perhaps hundreds of pounds in coming again to try what has already been clearly proved to the satisfaction of eleven men as intelligent as himself. My own observation does not give me experience of many such instances in civil trials. As, however, there is no opportunity of learning the secrets of the jury box, it is impossible for any one to say how often it occurs. We only know that in an overwhelming majority of cases the jury appear to be perfectly unanimous in their verdict.

It may perhaps be useful to consider whether, without disturbing the present law of unanimity, it may not be possible to find some modification of our jury laws, which will remove present anomalies and inconveniences, without at present disturbing the law as to unanimity.

This may be done in the first place by providing, as is attempted by the Judicature Act of last session, more convenient and appropriate tribunals for the trial of certain peculiar classes of disputes, and, in the next place, by restricting the right of the jury to find a general verdict; let it be in the power of the court, and a right of either party, to require a special finding on certain facts, and let the damages be found in a more specific and definite form than at present, coupled with a reference to the evidence on which they were found, if so required by the court or either party. After the fair trial of some such system as is here proposed, we should have better experience for determining whether and to what extent the jury should be reduced in number, and the rule as to unanimity modified. The rule as to finding a general verdict might, however, be allowed to remain unaltered, except in the case of political offences, with regard to which the rule was first broadly laid down, and in respect of which the rule has been of the most remarkable service in maintaining the liberty of the subject.

The Juries Bill of last session contained clauses duly providing for the whole jury list being exhausted before any juror should be called on a second time, but the bill contained no provision for a juryman assuring himself that he was not called upon till all others on the list had been summoned before any juror should be called upon a second time. This it is conceived might easily be provided for by giving every juror the fullest opportunity of examining the jury list, and of comparing it with the panel on each occasion, and a recommendation to

this effect was made by this Association to the Attorney-General.

One of the most unfair results towards jurors of our present jury system, affects London and Middlesex jurors, and is a result of the hard and fast line of county division being yet observed with regard to Middlesex and Surrey at the sittings of the courts in London. A very large amount of business is done both at the London and Westminster sittings, which arises among the inhabitants, and in connection with that part of the metropolis which is on the south side of the Thames, and therefore in the county of Surrey. There is no power to summon jurors from this part of the metropolis to the London and Middlesex sittings. Consequently, a very unfair proportion of work falls upon the inhabitants of London and Middlesex. This work should be shared by the inhabitants of the rest of the metropolis, and all jurors for the London and Middlesex sittings should be summoned from a common metropolitan area, and as is done at the Central Criminal Court. Such a provision would have the effect of very materially reducing the labours of the jurors of London and Middlesex, and of putting some of those labours on the shoulders of those who ought to discharge them. The necessity of this alteration of the law was pointed out by this Association to the Attorney-General. As it is not improbable that some alteration will be made under the recent Judicature Act, rendering the sittings of the courts in London and Middlesex still more available for metropolitan causes, the necessity will then be increased for some alteration of the law on this point, and it is rather the province of a Jury Bill than of a Procedure Bill to effect the required alteration.

AN INTERNATIONAL CODE.*

Mr. David Dudley Field, of New York, in delivering an address on 'An International Code,' said:—Seven years ago, at the meeting of this Association held at Manchester, it was my good fortune to propose the appointment of a committee to prepare the outlines of an International Code. The proposition was received with favour, and a committee was appointed, composed of jurists from different countries. In the distribution of the labour of preparing the outlines, a portion was assigned to me, it being understood that the different members

* See *Transactions*, 1866, p. 42 This Address is printed in full in the *Law Magazine and Review* of March 1874.

of the committee should first interchange what they had respectively prepared, and then meet for a general revision. This, however, was found to be difficult. The members lived at too great distances from each other for an easy interchange. Under this embarrassment, I thought it more convenient for the other members of the committee, as well as for myself, to undertake a draught of the whole work, hoping that the others would take the same course. The work thus undertaken by me has been completed after several years of labour; and I come now to lay it before my colleagues, and with their permission before the Association itself.

It is easy to perceive how vast is the extent and how varied are the details of that public law which is designated variously as international law or the law of nations. In the outlines of that science which I have attempted will be found a scheme of classification, and an arrangement of subjects, not perhaps the best that can be made, but the best that I could make. The work is divided into two books; one relating to peace, the other to war; or, to speak more accurately, the first treats of the relations of nations and of their members towards each other, except as they are modified by a state of war; the second treats of the modifications in those relations produced by a state of war. The first book is subdivided into two portions, one containing the rules respecting the relations of nations to each other and to the members of other nations; the second respecting the relations of the members of each nation to the members of other nations; the first being that which is commonly known as public international law; the second, that which is known as private international law. Besides the regulations which are usually discussed in works of international law, there are many others which, though often mentioned in treaties, do not usually find a place in general treatises. Thus, after considering the essential rights of nations, such as their sovereignty, equality, perpetuity, territory, property, of their extra-territorial action in respect of navigation, discovery, exploration, and colonizations, of fisheries and piracy, of the intercourse of nations with each other by means of accredited agents, of international compacts, of asylum and extradition, of national character and jurisdiction, of domicile and of the reciprocal duties of nations to foreigners, and of foreigners to the nation where they live, in respect of residence, occupation, religion, obedience to the laws, taxation, civil and military service, other provisions for mutual convenience are inserted, to the subjects of which I attach much importance. These relate to shipping, imposts,

quarantine, railways, telegraphs, postal service, patents, trade marks, copyrights, money, weights and measures, longitude, and time and sea signals.

Then comes that part of the code which contains provisions intended for the preservation of peace. They would require, first, that there should be a simultaneous reduction of the enormous armaments which now weigh upon Europe; secondly, that if any disagreement or cause of complaint should arise between nations, the one aggrieved should give formal notice to the other, specifying in detail the causes of complaint and the redress sought; and that this complaint should be formally answered within a certain period. If such a course had been pursued by France and Germany before the fatal declaration of July 1870, we should probably have been spared the last Franco-German war. A provision somewhat similar has already been inserted in the treaties of the United States with Portugal, Bolivia, Guatemala, Peru, St. Salvador, and New Grenada. Thirdly, it is provided that when the parties do not otherwise agree, they shall appoint five members of a joint high commission, who shall meet, discuss the differences, and endeavour to reconcile them. If the reconciliation thus sought fail, nevertheless, a high tribunal of arbitration is to be appointed in this manner—each nation joining in the code transmitting to the parties in controversy the names of four persons, and from the list of these the parties concerned alternately striking off one after another until the number is reduced to seven, which seven is to constitute the tribunal. Is there anything chimerical or impracticable in this? Let me refer you to the last great arbitration at Geneva for an answer to this question. Let me go further back and refer to the history of the American Confederation. We began with arbitration. When the independence of the colonies was declared, they formed articles of confederation, one feature of which was that disputes between the States should be decided by commissioners selected by the disputants; or, if they failed to select them, by commissioners chosen in this way—three to be named by Congress from each State, each disputant to be at liberty to strike off alternately one name till the number was reduced to thirteen, from which thirteen, not more than nine, nor less than seven, as Congress might direct, were to be chosen by lot to constitute the commission. A more perfect system was afterwards established under the present constitution, which created a supreme court as the ultimate arbiter between contending States. Controversies between the States have already been adjudged by this court. One between

Rhode Island and Massachusetts; one between Iowa and Mississippi, in which the court fixed the boundary between them, and enjoined each other from exercising jurisdiction beyond it. A suit was begun by New Jersey against New York respecting the boundary along the Hudson, which was finally compromised by the agreement of 1833, entered into between the two States, with the sanction of Congress. Suits have been brought by New York against Connecticut; by Alabama and Florida, each against Georgia, and between Maryland and Virginia, and between New Jersey and Delaware.

Why could not the plan of arbitration be extended to Europe? This continent contains eighteen independent States, counting the little communities of San Marino, Monaco, and Andorra; and considering Sweden and Norway as one, and Germany as united, wanting only the Austrian province. Ten only of these States exceed in wealth and population the richest and most populous States of the American Union. These ten are the United Kingdom of Great Britain and Ireland, France, Germany, Russia in Europe, Austria, Italy, Spain, Turkey in Europe, Sweden with Norway, and Belgium. The five States of Holland, Portugal, Switzerland, Denmark, and Greece are each less in population than New York. Even Belgium has only 400,000 more, and Sweden and Norway together have only about a million more than New York. There can hardly be a sufficient reason why Holland, Portugal, Switzerland, Denmark, and Greece should not submit their differences to arbitration or to a permanent court, as well as New York and Pennsylvania. And if these five European States should be made to do so, why not France and Germany? The only reason, if reason there be, is that France and Germany are more powerful; that they would not consent to compromise in any respect their freedom of action, and that in case of refusal they could not be coerced. To this it may be answered that the rights of France and Germany are not more sacred than those of Switzerland and Portugal; that the constraint upon their independence and freedom of action, by a voluntary compact to submit their differences to arbitration or judgment, is not more derogatory to their true honour, and is not more dangerous to their independence and freedom of action, than to a smaller State. Of the two, if there be any difference in that respect, the weaker State is in greater danger than the stronger. The American system binds and coerces populous and opulent States, sovereign in everything except as they have limited

their sovereignty by their own free will, and for the advantage of their own people.

Americans are confident that their constitution is strong enough to control their largest States, with all the population and resources of which their magnificent future gives them the promise. Measuring the future by the past, the next half-century will see some of the States as powerful as the larger European States; and unless it be supposed that the American is more patient of control, and more obedient to law than his European brother, it should seem to be no harder a problem how to bring European States to submit their differences to the arbitrament of reason and law, than it is how to make American States do the same thing. There is nothing in the size, or strength, or riches of European nations to prevent their entering into and being permanently bound by a compact to settle their disputes by arbitration.

I do not mean to say that every claim which one nation may make upon another should be submitted to arbitration. There may be claims which no self-respecting nation would submit to any arbiter, such as those which touch its equality or independence. To put an extreme case;—suppose Spain were to claim the sovereignty of Holland, pretending that it had not been lost by Philip II. or by any of his successors, I would not have Holland submit such a claim to the decision of any arbiter or of any human power.

After the provisions respecting the preservation of peace which I have mentioned, the code proceeds to the subject of private international law, making uniform provisions respecting private rights and the administration of justice. Here are grouped together regulations concerning personal capacity, social condition, the validity and interpretation of contracts, the effect of foreign marriages and divorces, the devolution of property at death, the administration of justice, procedure and evidence, as they apply to the persons and property of foreigners.

The second general division relates to war in its effect upon the rights and duties of belligerents, allies, and neutrals. In respect to belligerents, there are regulations respecting the commencement, the conduct, and the termination of war. The general design has been to confine war to persons in military service, and their operations against property to that which is public. Private war and public war upon private property are alike prohibited. The provisions of modern treaties, forbidding the use of certain deadly weapons, and exempting hospital surgeons and nurses, are taken and extended. The bombardment

of defenceless places is absolutely prohibited. The various chapters are entitled thus:—Of those who may wage hostilities; against whom hostilities may be waged; the instruments and modes of hostilities; truce and armistice; medical and religious service; prisoners; hostilities against property; contraband of war; visitation, search, and capture; blockade; prize; and the effect of war upon the obligations of nations and their members, upon intercourse and the administration of justice. In respect of neutrals, the absolute right of a nation to remain neutral while others are at war is asserted in the strongest terms. England has often acted upon this principle, and never with greater effect than with respect to Belgium during the last great war. What is neutrality? What may a neutral nation do? what ought it to do? and what ought it not to do? These questions, and the three rules of the Treaty of Washington, are next considered.

Since these outlines were prepared, two important steps have been taken towards the establishment of an international Code. One was a conference held at Ghent on the 8th of last September, where an institute of international law was founded. This institute has undertaken to treat of several important subjects during the next year, and to meet again in August 1874, at Geneva, for future action. The subjects to be treated are —International Arbitration; the Three Rules of the Treaty of Washington; and Private International Law. A committee of eight was also appointed to attend the forthcoming conference at Brussels. This conference, which will begin its session during the present week—on the 10th of October—had its origin in a meeting held in New York on the 15th of May, at which a resolution was passed that a meeting should be called for consultation upon the best method of preparing an international code, and the most promising means of procuring its adoption. A committee of five was accordingly appointed, by whom the conference, which is to take place on the 10th of the month, has been called. We hope to see representatives there not only from America but from every nation of Europe. The plan proposed is first to consider the expediency of an international code; and, if found expedient, how it should be prepared and proposed for adoption; and, next, the question of arbitration for the settlement of international disputes. In short, the object of the Brussels conference is to take the preliminary steps for the establishment of a code of the law of nations, containing among its provisions a scheme of international arbitration.

I am not sanguine enough to suppose that war is in our time

to be put an end to altogether; but I do suppose that increased intercourse and the general progress of civilisation have more and more inclined men to the ways of peace. The armour that now hangs useless in your baronial halls, the battlements that now serve for ornament in place of defence, the walls of cities once formidable but now converted into promenades, are so many witnesses of successive steps in the progress from continual war to frequent and long-enduring peace. I do suppose, further, that, by judicious international arrangements, the chances of war occurring may be lessened, and that when unfortunately it does occur its evils may be mitigated. Such is the aim of my co-workers and myself in our efforts for the amelioration and codification of the law of nations. Such has been the object of the imperfect work which I now place, with all its defects, in the library of this Association, the closing act of a task undertaken seven years ago, and now fulfilled.

A paper was read by Mr. F. W. Soutter "On International Arbitration; its necessity and possibility," on behalf of the Workmen's Peace Association. The writer laid down four propositions:—First. That armed force has utterly failed to settle International disputes on a just and firm basis. Second. That standing armies are dangerous and wasteful sources of national expenditure. Third. That a Code of International Law, and the establishment of a High Court of Nations, are absolutely necessary to solve the difficulty, this being the only method whereby nations can fully, fairly, and effectually settle their disputes. And last, That England should at once initiate the necessary proceedings to secure so desirable a result. In support of these propositions he argued that late wars particularly had failed to accomplish their object—that intrigue, jealousy, distrust, and waste existed on all sides where standing armies were maintained, the cost of which, by their inutility, was so much of our national resources wasted, which had an injurious effect upon labour and capital. International relations are several centuries behind the civilisation of the internal condition of states, for within each state, he asked, is not law the sole arbiter of disputes? Does not society deny to the individual the right, fitness, or propriety of his sitting as a judge to decide as to how far he has been wronged, or is himself a wrong-doer? But for the external relations of the various nations there are no recognised laws, and brute force decides just as it did in the ages of barbarism. Why should it be expected that nations, which are but collections of individuals, can exist in amicable

relations with their neighbours without a code of laws for the regulation of their conduct to each other?

Miscellaneous.

A paper on "The probable effects of the Supreme Court of Justice Act" was read by Andrew Edgar, LL.D. The object of the paper was to direct attention to some of the more important changes which the Act will introduce into our judicial system, and to some of the more obvious results which these changes are likely to produce on the administration and practice of the law. The views stated were in substance as follows: Whatever may be the first impression produced by a perusal of the new Act, a closer consideration of its provisions will show that it is by no means a revolutionary measure. The consolidation of all the courts into a Supreme Court of Judicature very closely resembles a metaphysical abstraction. The chief effect of the division of the supreme court into a court of original jurisdiction and an appellate court, is to substitute the latter for the Court of Appeal in Chancery, and the Court of Exchequer Chamber. The principal object of the constitution of the High Court of Justice is to give full equity jurisdiction to the Courts of Common Law, and to allow the judges of any one division to sit in any other. With respect to Chancery appeals, little effect will be produced in the way of expedition by the institution of the new Court of Appeal. The substitution of this Court for the Exchequer Chamber will have a more decided effect on the despatch of business in connection with common law appeals. The distribution of business for which the new rules are to provide seems clearly marked out by the Act itself, and for the present at least there is not likely to be any considerable departure from the old lines. Of the effects which may probably arise from the plenary equitable jurisdiction of the Courts of Common Law under the Act, it is difficult to form an opinion, but they will probably not be very extensive. The new rules of procedure will no doubt produce considerable changes in the existing common law system, but many of these will not be very violent. There may be some doubt, however, about the working of the rules relating to pleadings in the case of actions for the recovery of legal claims and demands. The rules of Court which are to be framed will doubtless afford guidance; and when the new system is properly understood it may be hoped to work easily and beneficially. The power of the judge

to direct the parties to prepare issues, and to settle them if they differ, will prevent any inconvenience from the loss of the general issue which has hitherto been of such avail in common law pleading. The different modes of trial which the Act allows will be attended with great benefit to suitors. The scheme of official and special referees will no doubt be largely taken advantage of, and will have the effect of putting an end to the present irregular system of references. It is obvious from even a cursory glance at the Act that the changes which will be produced in the Court of Chancery will be comparatively small. The causes and matters assigned to the Chancery division will be nearly co-extensive with the jurisdiction of the existing Court of Chancery. The rules of procedure will make much less alteration in Chancery proceedings than in those now followed in the courts of law. It is impossible to foresee what the rules may provide as to business at Chambers; but unless something very important is done in this respect, it is difficult to understand the benefit which will accrue to suitors in Chancery from the Act. It is clear, however, that the changes introduced by the Act will be much more operative in the Queen's Bench, Common Pleas, and Exchequer divisions. One great object of the Act has obviously been to render proceedings in these Courts more speedy; and this object is sought to be accomplished by a variety of provisions relating to the sittings of the Courts for deciding questions of law. No less important is the provision for continuous sittings for trial by jury in Middlesex and London; while the power of issuing commissions to try and determine within any place or district any causes or matters, must, if properly exercised, greatly accelerate legal business throughout the country. The means are in fact provided of putting on whatever power may be necessary for overcoming any amount of arrears.—The author was on the whole inclined to form a moderate estimate of the results the Act may be expected to produce, but on the other hand did not anticipate much difficulty or confusion from its operation. The Act proceeded on the principle of evolution, and provided the means of remedying its own defects, and of working the system it introduced into a more perfect condition.

Dr. Alfred Waddilove read a paper "On Church Patronage; its Historical, Legal, and Social Aspects." After defining the result and effect of church patronage at the present day, the paper traced its origin and gradual development; stating that for the three first centuries of the Christian era church patronage, as known to us, did not exist, but that it originated

in the encouragement given, first by Constantine, towards the erection of places of Christian worship by the possessors of the soil, and was afterwards more firmly established by the decrees of Justinian, empowering those who erected or endowed religious buildings to nominate, upon certain conditions, the minister thereto; and that this practice was introduced into England by Theodore, who was raised to the Archbishopric of Canterbury in 680; and, subject to the statutes and the canon controlling it, remains pretty much in the same condition at the present day. That the statute and canon law had taken an exaggerated view of the offence known to us as simony, by treating the purchase of a void benefice as identical with the sin of Simon Magus. The law bearing on the purchase and sale of livings was summarised, and the evils resulting therefrom, as shown especially in the temptation to evade the oath imposed on a presenter to a living, and its frequent infringement and evasion. It was urged that the spiritualities of a benefice and the temporalities do not both pass by its acquisition, whether by purchase or gift. The clergyman already has, by his ordination, the right or privilege of spiritual ministration to the parishioners, and by his induction to his benefice he acquires only the temporalities thereof. The conclusion was therefore drawn that the statutes prohibiting the sale of church livings should be repealed or amended; the canon should be modified so as to allow honest conscientious clergymen to obtain from their own resources the dignity and position of the incumbent of a benefice.

The Rev. Daniel Ace, D.D., read a paper 'On the required amendment of the Marriage Laws.' The reverend gentleman said that public attention seemed to be unmistakably directed to the desirableness of uniformity in the marriage laws of the United Kingdom. Whilst everywhere marriage is regarded as a civil contract, inducing a civil status, conferring the same rights and entailing the same obligations upon the persons entering into it, the general feeling of the United Kingdom is in favour of superadding to this important contract the sanction of religion. But matrimonial proceedings in the three kingdoms differ, and the most solemn ceremonies, affecting not only the interests of the contracting parties, but the legitimacy and property of their offspring, are rendered null and void. These sad judicial results led to the institution of a Royal Commission to make a public inquiry whether the marriage laws in the three kingdoms could not be assimilated. The Commissioners for three years—from 1865 to 1868—pursued

their investigations, and at length made their report, with diverse recommendations. Since that period nothing has been done to remedy the crying grievances inflicted by a conflict of national laws.

Hence the necessity for the immediate interposition of the Legislature, and for the strong support of the Government to sweep away a heterogeneous congeries of at least twenty-seven English Acts of Parliament and other diverse ordinances, and enact a general marriage law for the three kingdoms, admitting the peculiarities of each, but securing for all the certainty of a valid and indisputable marriage, for the legitimacy and peace of families, and for the maintenance of the rights and preservation of the property of the married pair. *Indignum est, in civitate, quæ legibus teneatur, discedi a legibus.*

A Paper on "The First Juridical Congress of the Kingdom of Italy" was read by Mr. C. H. E. Carmichael, M.A., F.R.S.L. This Congress, opened in Rome, 25th Nov., 1872, has a Central Committee permanently fixed in Rome, with branch committees in every town where there is a Court of Appeal: its object is to form an Italian Juridical School which shall meet the needs of the times. The questions discussed bore principally on penal law, and the organisation of the judicature. The French system on these points was necessarily criticised, owing to its close similarity with that at present existing in Italy. Three institutions, derived from France, were warmly discussed, viz: 1, the intervention of the Public Ministry in civil affairs; 2, the conflicts of authority between the judicial and administrative organisations, and 3, the Courts of Cassation. On the first question, abolition of intervention was unanimously voted. On the second question, Mancini's proposal for the entire abolition of conflicts was negatived, but another, that their decision should belong to the Court of Cassation, was carried almost unanimously. On the third question, the Congress was only unanimous up to the point of suppressing the four existing courts, and substituting one supreme court, seated in Rome; but not being able to agree as to the competence of the new court, that part of the question was left open for future discussion. Together with the conversion of the present Courts of Cassation into one Supreme Court, there was proposed the establishment of tribunals of third instance, to remedy the inconvenience of the French system of two degrees of jurisdiction. In the scheme proposed, two concordant judgments will be required to create a 'res judicata;' if the first and second are at variance, the tribunal

of third instance shall judge between them. This being approved by the Congress, it effected a breach with the French system at present prevailing in Italy on each of the three points enumerated. Besides recommending these changes in the juridical system, the Roman Congress passed a vote of acclamation in favour of the abolition of capital punishment. The next meeting, to be held in Turin, in June 1874 (by postponement from October 1873), will discuss the penalties to be substituted for capital punishment, together with other important questions both in juridical organisation and in penal and commercial law.

REPRESSION OF CRIME SECTION.

Address on Repression of Crime. By P. F. O'MALLEY, Q.C., Recorder of Norwich.

I UNDERSTAND that it is part of my duty in taking the chair in this department to read, or rather speak, a preliminary address on the topics which are appointed for discussion, and to leave the more detailed treatment of them to the gentlemen who have undertaken to read papers on the subject.

One of the subjects proposed for your consideration is, "Are any, and what, improvements necessary for the administration of justice in quarter and petty sessions?" There is nothing more important to bear in mind, at the present day, than that every system of administration that we can devise must ultimately depend on imperfect human instruments for its carrying out. Even among the more cultivated and better educated classes of our community, the average of intelligence is not so high as we are apt to imagine, and when we have to depend on a large number of men or bodies of men for the carrying out of any system, we can hardly expect to command the services of more than the average amount of intellect. The tendency of the present day in this and other countries is towards perfection in the theory of the system rather than the possibility of successful execution. Our constitution is founded, as Burke once said, upon prescription, and so are almost all our institutions, and their general practicability and efficiency arises from the fact that our ancestors dealt with the material ready to their hands in the best way in which they could apply them to the work, without much thought of the harmony or perfection of the system upon which they worked. The result

of this mode of dealing is that we may from time to time alter or add, as necessity seems to require, without seeking to make the new structure harmonise with the old, or as an alternative, pulling down the old building and setting up a new.

The great fact of our criminal law, that its execution is in the hands of the people themselves, is one at which those who sigh after an absolute perfection in execution may perhaps murmur, but it is one with which the existence of our free constitution is bound up. The ship must be built and furnished, not only with a view to the ease and convenience of its crew in times of calm, but their security in times of storm; and the experience of the nations around us offers us no encouragement to relax those safeguards by which our social security and personal liberty are surrounded.

One great characteristic of the English people is respect for the authority of the law, and the tendency of the masses to side with its decisions and aid its ministers. This feeling seems to me to be founded on the fact that so large a portion of the people are associated not merely remotely and theoretically in the making of the laws, but directly and practically in the execution of them.

It is easy enough to talk of the absurdity of bringing together a body of men who have had no special training to the law to administer it as a court of justice, and to call out for men possessed of this special training to direct their counsels. But it is a matter of great importance to bring together the *élite* of a county, those who as a rule are possessed of the highest intelligence and the largest experience, who have the deepest interest in the maintenance of law and order, and whose position and standing in society afford the best pledge for the honourable discharge of their self-imposed duties. It is a matter of great importance to give them such a motive for cultivating a knowledge of the law, and such a means of acquiring it. And it affords them a much larger insight into the character and the trials of that class from which criminals are for the most part taken.

But besides all this, after a very large experience, I have come to the conclusion, startling as it may at first sight appear, that for the great mass of cases which come before our courts the criminal law is better administered at quarter sessions than at the assizes; and I will give, as shortly as I can, my reasons for so thinking. There is not much knowledge of the law required for the administration of criminal law; most of the quibbles with which the ingenuity of humane judges struggled against the Draconian severity of our laws in former times have

become obsolete. The statutes which form our criminal code are singularly clear; and where questions of special difficulty occur, the power to reserve it for the opinion of the judges is provided. The application of these laws to the case in hand requires much more of common sense than of legal ingenuity. I remember when, some years ago, considerable changes were made in the criminal law, Mr. Baron Martin, in charging the grand jury in the Winter Assizes—I rather think in the county of Norfolk—very sensibly advised them not to perplex themselves with the study of the Acts, as a whole, but, as each case should arise, to apply their common sense to the interpretation of that which related to the case in hand, asserting that he was quite sure that they would find such common sense to be their safest guide. No doubt some blunders are occasionally made. Where is the tribunal that is exempt from them? But I have come to the conclusion that even on questions of law the magistrates in quarter sessions do not, on the whole, make more or greater blunders than are made by judges possessing a more special education. When they do do so, it is more frequently in the direction of maintaining common sense and justice against strict justice. I do not speak of this county, where the sessions are presided over by gentlemen of no ordinary learning and capacity, but of cases where the intellect engaged is of a more ordinary character.

The great instrument, however, of our criminal law is the jury, and they are the same at the quarter sessions as at the assizes, and the great business of a judge is to make plain to the understandings of the jurors what the questions are which they have to decide, and in some measure to expose the fallacies which counsel on either side might attempt to impose upon them. But in the vast majority of cases there is no difficulty whatever in eliciting the question for decision. The presiding chairman, in taking up that point simply and presenting it to the minds of the jurors in language with which they are familiar, will often do far more to make it plain than a judge who employs himself in clearing away the rubbish and explaining to a jury why such and such subjects have nothing to do with the question.

I admit that I have known some great failures, more especially in charges of obtaining money on false pretences, and such like, which are generally of too simple and unimportant a character to withdraw them from the jurisdiction of the quarter sessions, but do occasionally present questions of a very special and difficult kind. With respect to such cases, I think it would be a great improvement to provide for their

removal, either by the prosecutor or the prisoner, by an easier and cheaper process than that of *certiorari*, and without its consequences as to costs. But it is somewhat anticipating to allude to this subject now.

It is in theory a great principle that the worst character in the land should have his case investigated with the same presumptions of his innocence as if he had never before been affected with the suspicion of crime; and though the Legislature has very considerably departed from this principle of late in dealing with previously-convicted criminals, it is no doubt a principle not lightly to be disregarded. But to my mind it is one great advantage of the quarter sessions that the principle is modified in practice just to the extent that is most beneficial. A judge knows nothing of the previous character and habits of a prisoner; he may be aware of some previous conviction, but he knows nothing of the general character which he bears, nor the number of instances in which his skirts have been in the hands of the police, though he has managed to escape, and it often causes a smile upon the lips of the auditors, sometimes even of the criminals themselves, when they hear the expressions into which ignorance of the previous history of the criminal frequently betrays a learned judge. On the other hand, without any necessity for formal enquiry, the justices are, for the most part, acquainted with the previous history of the man, and this knowledge, without actually influencing their conduct, does give an imperceptible colour to their view of the facts that constitutes a very proper distinction between the case of the known criminal and the man of whom nothing has been previously known.

Another object to be aimed at in criminal law should be, not uniformity, but just analogy and proportion in the sentences. To attempt to attain this by positive enactment is one of the wildest of all imaginable dreams. The difficulty of doing justice in this respect is more frequently prevented than assisted by the definitiveness of an Act of Parliament. For instance, there are many occasions in which an offence to which the law has applied the punishment of imprisonment is of a much more aggravated character than many which are subject to long terms of penal servitude, and the alterations of the law with respect to penal servitude frequently reduce the judge to the alternative of awarding a punishment either too severe or too mild for the offence.

Now it is well known that there is no point on which judges differ in practice more than in the amount of punishment which they award. The constant changes of the judges

on a circuit frequently render this painfully observable, and sometimes when two courts are sitting the transfer of a prisoner from one court to another involves the difference between penal servitude and short imprisonment.

Now this approach towards uniformity is much more nearly attained by a body of gentlemen acquainted with the criminal state of their own county; with the characters of the people who come before them, and the general tone of the punishments habitually awarded, than by judges who are strangers to all this, and whose varying views frequently give rise to many practical absurdities, which tend to make the allocation of punishment appear much more like the event of a lottery than anything else.

I have instituted this passing comparison between the courts of assize and quarter sessions merely to show that even in the points on which the latter might appear to be weakest they are not really so, or at all events their weakness is compensated for by other advantages.

I have no desire to see the criminal jurisdiction of the assizes interfered with by that of the sessions—very far from it. There are great cases in which the trial ought to be conducted with all the solemnity with which the law can invest it —cases in which the line between civil wrong and crime is so narrow that it requires a high degree of legal and practised acumen to discover—cases in which the passions and prejudices of a small community may be so excited as to require all the authority of a judge wholly exempt from them to counteract the effect of those prejudices and passions on the juries; and there are cases in which nice questions of law may arise. And lastly, it is of great importance that the magistrates who are employed in their own sphere should have the learning and knowledge which due attention to the business of the assizes is calculated to afford, and should receive from the authoritative lips of the judge such instructions as the time may require.

If I have shown that there are great advantages in uniting the highest intelligence of the county with the administration of the law, and that this can be done without injury to the efficiency of its administration, it seems to me that the question of stipendiary magistrates to attend at and preside at their sessions as a sort of assessor is virtually determined. Such an officer may be very useful and even essential in great towns, where his functions are altogether distinct from the jurisdiction of the sessions, which is vested in the recorder. But I am persuaded that in our English counties the establishment of such an office would be the ultimate exclusion of the higher class at least of our magistracy from the bench.

Such an officer would become eventually the master of the situation. The other members of the body would feel that he was regarded as the intelligence and authority of the bench, and he would become the official organ of communication with the Government. He might know more law than his brethren, and yet be far more deficient in his power of applying it, far less courteous and yet less authoritative in his dealing with counsel, and far more capricious in his views than a bench of magistrates. The result would be that unless some more vigorous men upon the bench united in snubbing him and setting him at nought, the unpaid magistracy would retire in disgust from a scene in which they were no longer real workers; and if the bench must be filled it must be filled by making magistrates of those to whom the mere name of the office would be an increase of position.

A very important point, however, connected with our subject has reference to the question of a public prosecutor. This is a subject on which public opinion seems to be pretty nearly made up, and after the fullest consideration which I can give to the subject, I have come to the conclusion that some such officer is called for. In my early professional days the business of prosecuting at sessions was mostly in the hands of private prosecutors, who employed the attorney and counsel and took their chance of the amount of expenses that would be allowed them by the court, and sometimes, in default of the prosecutor undertaking this task, it was in serious cases placed in the hands of the clerk to the committing magistrates, all whose reasonable expenses were sure to be allowed. The general impression in my day was that such prosecutions were for the most part conducted with great efficiency, and a guilty man seldom escaped for want of proper means having been taken to secure his conviction. But in a great number of cases where the private prosecutor declined the risk and expense, and the committing magistrates did not interfere, all the preparation which was made was the binding over of the prosecutor and witnesses who appeared before the magistrates; the chairman examined the witnesses from their depositions, or handed them down to some junior counsel to do so, and the result was, as might be expected, frequent failure—gaps in the evidence not filled up—witnesses whose minds had never been directed to the subject since they were before the magistrates,—matter which required explanations misunderstood, and various other accidents, which gave rise to a great failure of justice.

Then came the alteration in the law by which the local authorities are invested with the power of incurring the

expenses of prosecution and the Treasury with the duty of paying, and the result has been a far more ineffective executive than was attained to under the old system.

The Government having undertaken the expense of prosecutions, the local authorities do not feel justified in calling upon the county rate to make good the shortcomings of the Treasury, and the latter, as the only way of shielding themselves from the abuses to which such a system is manifestly exposed, have for the most part laid down a hard and fast rule of allowance, which in a great majority of cases is not really sufficient for the purpose.

The result is that those who undertake the prosecution have no interest in carrying it out efficiently, and no means of obtaining repayment of any excess of expense to which they may be put, and nothing can be more unsatisfactory than the way in which such prosecutions are conducted. It is far more for the interest of an attorney who may enjoy the patronage of the police or the magistrates' clerk to have a great many trumpery cases than to carry on a few important ones to a successful issue.

I forbear to enter on the question, too large for discussion by me here—what the duties in detail of such an officer should be,—but I may say in passing, that while he must be one in whose integrity the Government can entirely confide, he should have no power to bring any man to justice without the previous sanction of justices, as now required. He should not have the power of preventing, except in certain peculiar cases, the action of private prosecutors undertaking a prosecution at their own expense; but it would be his special business and responsibility to determine whether the case was a fit one to be prosecuted at the public expense. Such an officer ought to be wholly independent of local influences; he ought not to owe his appointment to any mode of local election, but he ought to be removable by the Secretary of State upon complaint made by the magistrates in session of neglect or carelessness in the carrying on of his work.

The great danger to be apprehended is that of the public prosecutor becoming careless and inattentive to his business. There is nothing perhaps depends more on what may be called one-sided zeal and energy than a legal prosecution. It is this zeal which quickens sagacity and provokes to energetic action, and which gave under the old system to the prosecutions carried on by private prosecutors and their own solicitors so much of their efficiency. It is also essential that the control of the police should be in the hands of the justices as at pre-

sent, and the public prosecutor should have nothing to do with them except so far as should be necessary to the obtaining of evidence. Supposing such an office to be established on a basis that gave ground for confidence in its efficiency, one important duty to be performed would be to decide whether the case ought to go to the assizes or the sessions, and thus to secure for cases which require the intervention of a judge of a superior court a fitting trial without involving the expense of a *certiorari*, or the consequences as to costs on the party applying for such removal. I believe that this alone would be of immense importance and would remove the principal objections to a tribunal composed of judges without special training.

It might be a question, too, whether the attendance of a grand jury at sessions might not be dispensed with. There can be no doubt that the attendance on these juries entails great inconvenience on the class from which they are taken, a class that ought to participate with those who ordinarily form the materials for the common juries. The grand jury at the assizes I would never wish to see abolished. The persons who form it suffer no inconvenience, and are of that class whose presence at our assizes is a duty, and ought to be stimulated as far as possible, and whatever may be thought of them now, they do constitute a safeguard to society that ought not to be lightly abandoned.

It appears to me, therefore, that, so far as our counties are concerned, the introduction of paid chairmen would be a positive evil without any counteracting advantage.

That the establishment of a public prosecutor under such limitations as I have suggested, would tend to increase the efficiency of the court of quarter sessions for the suppression of crime.

That the means of removing cases to the assizes without the necessity of a *certiorari* would remove the only objection to the want of legal culture in the judges, and that the attendance of grand jurors at sessions might be dispensed with, and those who generally constitute such jury employed in the more important business of the common jury, and that with such alterations the quarter sessions would remain a highly efficient and, at the same time, a highly constitutional tribunal.

I have treated more at length on the subject of the administration of justice in quarter sessions because my early professional experience has made me well acquainted with the subject, and it is one which has often engaged my attention. But the other two subjects for our consideration are of very great importance in connection with the peculiar business of this section.

The subject of the treatment of criminals has been already so closely examined and so ably discussed that I can hope to add nothing new upon it. But I desire to add my protest to those already made at a former meeting of this association against the doctrine that the primary object of punishment is the reform of the criminal. The reform of the criminal is an object to be always kept in view, but the first object of our criminal law is the protection of society, and this by making it felt by the criminal and known by those who are exposed to temptation that suffering is the certain consequence of crime. I myself fully believe that punishment alone will never fully attain this end, and that where poverty, ignorance, and vice prevail the consequent punishment will for the most part be overlooked when temptation presents itself; but these are subjects which belong to other departments of this association, and in our imperfect state of society no one has ever devised a more efficient means for the repression of crime than punishment.

There are different classes of criminals which require very different modes of treatment. There are young criminals who are trained up to crime from their earliest years by their parents, and who are so habituated to it by the atmosphere in which they live that they are hardly conscious of the guilt of crime.

There are others who, especially in the case of second marriages of parents, are actually cast upon the streets by their parents with the intention that they shall steal.

There are others who are the victims of some sudden temptation that they are unable to overcome—the poor woman who is passing on to a destitute home and sees some article outside a shop door; the servant who has been injudiciously trusted too much, and takes what is much coveted by her, and may not, as she deems, be missed by its owner; the boy who in the excitement of a fair or a feast gives way to a sudden impulse, and such like, belong to this class; and chief amongst them is the old and trusted servant, the clerk, or the foreman, who forfeits in one hour of temptation and distress the well-earned character of a whole life.

And, lastly, there is the regular professional criminal, who makes up his mind to a life of crime, and finds his enjoyment in its excitement, and for the most part lays his plans with the skill and forethought of an experienced gambler, and merely looks upon detection as an unlucky throw.

For the latter there is no course for the protection of society but to remove him as long as possible from the oppor-

tunity of committing crime, and make the consequences so sharp as to outweigh in his estimation the pleasure to be derived from the pursuit. Such criminals at one time abounded in Norwich. On a prisoner of this class was found a printed paper, in which the names of the principal towns of England were set down. And after them were notes under columns, headed population, workhouses, hotels, police, judge. Amongst them this city was marked as having comfortable workhouses on the route to it; careless hotels, police not very vigilant, and judge very lenient. A very decided change had just then, though but recently, taken place in the police, who are, I believe, at this moment as sagacious and active as any city can boast of, and my principle has been to award to such criminals a very heavy punishment, and they have since almost disappeared from the calendar. The gaol discipline with respect to these ought to be irksome and severe. But even here every effort should be made to bring them to a sense of their guilt and misery, and give them a sense of the value and comfort of honest labour. I may here, then, most appropriately introduce what I wish to say on this head. I agree with those who think that labour ought to be remunerative, and perhaps a means might be devised of giving the prisoner an interest in surplus work without supplying him with the means of dissipation on his discharge. But however this may be, it is absolutely essential for his own sake and the sake of his fellow-prisoners that he should be secluded as far as possible from the society of others. We have no right to torture or to test too far the mental endurance of the prisoner, but as far as can be done consistently with his mental and bodily health he ought to be secluded. I say secluded, not solitary, because I believe that a system of volunteer prison visiting might be organized which would be of incalculable benefit. For myself, I believe that nothing but the grace of God will ever reform the confirmed criminal, and that no criminal is so hardened as to be beyond the reach of that grace, and that our first duty is to bring before him the love of God in Christ, as revealed in His Holy Word, and the oftener and more earnestly that word is pressed upon him the greater the likelihood, humanly speaking, of its finding him in a mood to be moved by it. Too often the ministrations of a gaol chaplain are little better than a mockery; but put a man of a really missionary spirit to minister to the prisoner, one who will seek for opportunities of heart to heart communion with him, and who will be glad to enlist the services of others, especially of ladies, who will not be afraid to visit the criminal in his solitary cell and speak words of comfort to him, and you

would have all the conditions most favourable for the poor prisoner's reform. Depressed by his solitude he would welcome such visitants as the sun-light to his lonely cell, and he would encourage their visits by deference and attention. He would meet them when his mind was most open to tender impressions, and he would know that they were led by love in their efforts to reclaim him. I know that this intrusion would be for the most part irksome to the prison official, and if the chaplain were not himself in earnest, distasteful to him, but whether with the consent of the chaplain or not, I would give as wide a licence as possible to such intrusion. Let it be known once that such workers are needed, and in all large towns there will be a sufficient supply.

It is not within the range of this paper to go into the way of caring for the prisoner when he comes out of prison, though this is one of the most important questions with reference to the prevention of crime. Mrs. Meredith has shown how much can be done in this line with female discharged prisoners, and I had once hoped to see her plan in some measure put into operation in Norwich, but the fact of the female prison being at Wymondham presented difficulties which I trust may one day be surmounted.

I believe that the old system of transportation had the great advantage of allowing the return of the criminal to honest walks in life, from which he is almost entirely shut out at home; and I have often thought that, though transportation is now impossible, a system of emigration might be devised by which those persons who had during their imprisonment given proof of their real reform might be provided with the means of starting afresh in life, far from the scene and the associates of their crime, and without bearing upon their brows the felon's brand.

With respect to the other classes of cases to which I have alluded, it should be borne in mind that while, as I have already said, we have no right to torture or to test too far the mental endurance of the vilest criminal, we have no right either to add to the penalty directly awarded as a punishment for minor offences the indirect punishment of exposure to a moral contamination and degradation of character from which a great many of such criminals are free, or to place them under circumstances in which every rising sense of remorse and shame is likely to be repressed, and crime to be presented to them in a more attractive light than they have ever viewed it.

Now this is what for the most part we do. I believe that an association with the inmates of a prison is to the young

and uncontaminated the greatest evil that it is in the power of society to inflict, and I have myself felt it so strongly as to be conscious that with respect to boys and girls I am often tempted to strain law and fact with a view to their acquittal. I am at the same time aware that when criminals are brought before the court and convicted, mercy to society demands that the law should be vindicated. What, then, is to be done? I have no hesitation in saying that with reference to many of such cases it would be better that there should be no prosecution at all, and that it ought to be part of the business of a public prosecutor to recommend the dismissal of such criminals with a warning, and a knowledge that the eyes of the police would be upon them.

But when imprisonment is awarded, the basis of it ought always to be seclusion. The period of imprisonment should be short in proportion to what it is now in consequence of such seclusion, but we owe it to society and to the criminal himself that he should be preserved from contact with those who, though haply not more guilty or depraved than himself, will, by their sympathy and fellowship, tend to demoralize him. An infected patient has a far better chance of recovery when lying apart than when placed in companionship with others, though less infected than himself.

With respect to juvenile offenders, I think that the proper place is a well-conducted reformatory; that the magistrates in petty sessions should have the power of at once sending them to such reformatory without sending them to prison to await a trial; that the age at which such criminals might be so sent should be eighteen instead of sixteen years, and that the magistrates should be the judges whether such age has been reached or not. I think that under fourteen for boys the punishment should invariably be a sound whipping and instant dismissal. That where the reformatory is adopted the magistrates should have power, when they find that the parents have contributed to the crime of the child, to charge the expense of keeping the latter upon the former; and that for breach of discipline, or an attempt to run away, whipping should, by the order of the justices, be inflicted.

As to the last class of what I have called minor criminals, it is absolutely necessary that the punishment should for the most part be severe, but so far as old clerks and managers and the like are concerned, it is to be borne in mind that there is a part of their punishment from which other criminals are exempt—their social position, the condition and prospects of their children, their means of earning their bread are gone,

most probably for ever; and even should they succeed in life again the memory of that crime and its degrading consequences will cling to them for ever. For them the prison discipline should be made as light as possible, and to treat them as ordinary felons, though it may sound weak in the ears of theorists, contending that the law is no respecter of persons, is to add to their punishment an aggravation from which other criminals are exempt.

It is with respect to all these minor criminals that the greatest efforts should be made, both while they are in prison and when they leave it, to educate and reform. I believe that there are no efforts more in accordance with the spirit of the Gospel or more calculated to call down a blessing from God.

There will be great discouragements, great trials of faith and patience; but if the work be prompted by love and carried out in dependence upon God, and if it be carried out upon the principle not of relying on man's capacity to restore himself, but of encouraging the poor penitent criminal to look in prayer and faith to Him who has promised to cast out none that come to Him, the workers will reap a blessing to their own souls and be the instruments of conferring an unspeakable blessing on their fellow-creatures and on society.

PUNISHMENT OF YOUNG PERSONS.

In what way should the Punishment of Young Persons under Eighteen, especially Boys or Girls of Nine or Ten Years of Age, be regulated? By SERJEANT COX, Judge of the Second Court of Middlesex.

HOW to punish appropriately, and yet sufficiently, young persons, and especially children, for offences against the law, is a problem continually perplexing all who administer the law—but particularly magistrates, who deal with a large class of offences not coming under the cognizance of Judges, and for which the law provides no fit penalties.

Children are amenable to the law equally with adults, but, with rare exceptions, the law makes no distinction between their punishments.

Children, like adults, may be guilty of

I. CRIMES, under which title I include all indictable offences.

II. MISDEMEANOURS, by which I intend all other offences punishable on summary conviction.

The punishments which the law provides for *crimes* are—

1. Imprisonment (including penal servitude);
2. Whipping (in certain cases only);
3. Reformatories for the young;
4. Fine, or imprisonment on non-payment of fine.

The punishments on summary conviction are—

1. Fine;
2. Imprisonment, either in the first instance or in default of payment of the fine;
3. Reformatories (for juvenile thieves only).

Penal servitude, imprisonment, and fine are punishments well adapted for adults, and the infliction of which imposes no other care upon the Judge than the due adjudication of them according to the circumstances of the case. The Judge has a wide latitude of choice, that enables him to meet the vast variety in the character of the criminals as well as of the crimes that are continually presented to him. Even with children he possesses the power to whip in certain cases.

Indictable offences may thus be deemed to be almost entirely provided for, and to require little further improvement.

But there is one defect that might be readily removed.

The power to inflict the punishment of whipping is limited to boys of the age of sixteen. The practical result of this is that, knowing the limit, every boy who can do so without palpable lying, declares himself to be more than sixteen. If the parents or friends of the prisoner are questioned as to age, they unite in the same story. As at railway stations it is noticed that every boy looks a great older than he says he is, so in the criminal courts every boy looks a great deal younger than he declares himself. True that the law permits the Judge to form an opinion and act upon it; but even if he might do this against positive evidence, he feels a natural reluctance to determine that a boy who declares himself to be seventeen is not sixteen. The punishment of whipping with a birch is found to be so efficacious that it should be extended to the age of eighteen.

But it is in relation to summary convictions that the law is so defective in the provision of punishment for young persons. The magistrate has no option but to imprison, or to fine, or to dismiss without punishment.

It is scarcely necessary to contend by argument that imprisonment is a most unfit punishment for young persons, and especially for children. The fear inspired by the outside

of gaol is a wholesome deterring influence, which is destroyed by acquaintance with the inside of it. The maxim that "familiarity breeds contempt" is especially true in this instance. But this is not the whole mischief. The youth carries with him the taint of the prison, which clings to him for life. The title of "the gaol bird" is continually thrown at him by all with whom he has a difference; and if he appears as a witness in any court of justice he is sure to be reminded that he had once known the inside of a gaol. The blot upon him is never forgiven by his friends nor forgotten by his enemies. The consciousness of this makes him reckless, and that which was perhaps but the folly of a youth becomes the confirmed vice of the man. He is made a criminal by being treated as one.

And if imprisonment be a bad punishment for boys, it is infinitely worse for girls. To them it is almost certain ruin. So strongly do I feel this, that, save under the absolute compulsion of the law, or for some crime showing extraordinary depravity, I would not sentence a young girl to imprisonment.

The alternative punishment is a pecuniary penalty. But what a farce it is to sentence a child of ten or twelve years old to pay money which he has not, and cannot honestly procure! If he pays, it must come from innocent friends. He is not the sufferer. If he does not pay, what then? The magistrate has no remedy but imprisonment, and I have stated the objections to this.

These remarks are directed mainly to the more serious offences. But what is to be done with the multitude of minor offences, of which children are the principal perpetrators? Mischief of various kinds must be prevented in some manner, and the doers must be dealt with by punishment of some kind. A number of young scapegraces smash lamps, fling stones, annoy passengers in the streets, kill poultry, commit, in fact, any of the long list of offences contained in the Metropolitan Police Act. What is the magistrate to do with them? The law allows him no choice but to send them to prison, or impose a penalty they cannot pay, with imprisonment in default (which is the same thing), or set them free without any punishment at all.

Why should not such offences and such offenders be treated as schoolboys are treated—as a father would punish his child for the like offence—by a whipping? This would be appropriate in itself—it would be feared by such offenders, and thus would be efficacious. It would provide precisely the penalty that is wanted, and remove the present difficulties from the administration of this branch of the law.

Without further preface, then, I propose, for the reasons stated, the following amendments in the law relating to the punishment of young persons under the age of eighteen:

1st. That the punishment of whipping for indictable offences be extended to boys apparently under the age of eighteen.

2nd. That in all cases of summary conviction by magistrates of boys apparently under the age of fifteen, the convicting justices may order, in lieu of any other punishment, that the defendant be whipped with a birch rod. Such whipping not to exceed ten strokes. The number of strokes to be stated in an order to be signed by the convicting justices, and delivered, together with the defendant, to the inspector at the nearest police station, whose duty it should be to inflict the same forthwith, and thereupon to discharge the defendant and return the order, with his endorsement of obedience to it, to the clerk to such justices, to be preserved by him with the records of the court.

I am unable to suggest any fitting punishment for young girls, but happily they are rarely to be found committing offences of this class. When such cases do occur the better course will be to call upon the parent or some friend to enter into recognizances to bring the defendant up for judgment when called upon, and dismiss her with a suitable admonition, impressing upon her the position in which she will be placed by future misconduct.

Reformatories are adapted for boys or girls who have no friends to take charge of them, or whose offences disclose a wicked or mischievous character. But considering that each pupil costs the taxpayer upwards of 40*l.* per annum, and that it is most dangerous to relieve parents from their responsibilities, and of most evil example that a boy, because he is a thief, shall be fed, clothed, and educated better than the honest son of an honest poor man, committals to reformatories should be most carefully restricted to those for whom they are properly designed.

DISCUSSION.

Lord HOUGHTON: The recommendations made by Mr. Serjeant Cox formed part of an original Bill respecting juvenile offenders—the first on the subject which was introduced into the House of Commons, and which was brought in by myself and Mr. Headlam in the year 1851. Almost all the provisions of that Bill are now the law of the land. That provision to which Mr. Serjeant Cox has drawn particular attention, and which was also in the Bill, was withdrawn,

and did not form part of any former Bill, either of mine or of any other Member of Parliament, as far as I am aware. The provision, being objected to, was withdrawn, and has not since been brought forward. The House of Commons disapproved of that kind of correction, as having the same penal character as sending the boy to prison; and that, whether the whipping were public or private, it would leave the same stain as if he were sent to solitary confinement in a prison for three or four days. I think that it would be best that, under proper supervision, the punishment should be inflicted by the parent of the offender. I think that no alteration of the law as suggested by the learned Serjeant could be made—at any rate, I am satisfied that it would not be sanctioned by public opinion as expressed in the present House of Commons. I wish to call the attention of the Section to some statistics with respect to the Reformatory at Red Hill, of which I have long been President. Out of thirty-seven Reformatories for boys in England, that Reformatory represents one-twelfth of the whole Reformatory work of the country.* (See table next page.)

---

* Notes on Red Hill Statistics, by the Rev. Charles Walter, the Chaplain.—Though there are thirty-seven Reformatories for boys in England, the number under detention at Red Hill represents one-twelfth of the whole Reformatory work. The total number admitted under the Reformatory Schools' Act to December 31, 1872, was 1,479. The highest average age of any year in the period (1868) was 13·8 years; the lowest average age of any year in the period (1862) was 12·9; the present average age (1872) 13·7; showing that the age of our boys at admission is now as high (within one-tenth) as it ever has been. 53 per cent. of our admissions in 1872 were between fourteen and sixteen years of age. Ten years ago only 36 per cent. of the admissions were so old. The highest average of convictions per boy in any year in the period (1857) was 2·6; the lowest average of convictions per boy in any year in the period (1861) was 1·6; the present average of convictions per boy (1872) is 1·8. The highest percentage of admissions on first convictions in any year was (1860) 58; the lowest percentage of admissions on first convictions in any year was (1858) 35; the present percentage of admissions on first convictions in any year is (1872) 37, being the smallest percentage since 1858. The above abstracts show that Red Hill is at present dealing with a more decided type of juvenile criminals than at any previous time under the Reformatory Schools Acts, because the average age at admission has increased, while the proportion admitted on first convictions has diminished. At page 6, Note 2, of the Inspector's last "Blue Book," the years 1859 and 1872 are contrasted in order to show the diminished criminality of the admissions to Reformatories in the latter year as compared with the former. It should be noted that, whereas, according to the average for England and Scotland, the admissions to Red Hill in 1859 should have had 61 convictions recorded against them, there were actually 94 convictions so recorded; and that in 1872, of the 163 convictions comprised under the three heads in the Inspector's note, the Red Hil admissions contribute no less than 60, whereas our share, according to the average, was 12. So that, in 1859, the admissions to Red Hill of boys convicted three times and more were 50 per cent. more criminal than the average for England and Scotland. And in 1872 they were actually five times more criminal than the average. Hence, the Inspector's general statements (pp. 6 and 7) as to the reduced age and criminality of present admissions appear to be founded on the small schools drawn from rural populations, and have need to be greatly qualified as not at all applicable to the Red Hill admissions; and they are likely to mislead when it is remembered that Red Hill occupies about one-twelfth of the English Reformatory field. Red Hill measurements would also show that the

STATISTICS OF RED HILL REFORMATORY.

	1856	1857	1858	1859	1860	1861	1862	1863	1864	1865	1866	1867	1868	1869	1870	1871	1872
Number admitted (1479) .	28	142	59	94	87	94	97	53	91	67	110	97	100	79	96	88	97
Average age at admission.	13·3	13·5	13·4	13·3	13·2	13·2	12·9	13·2	13·4	13·6	13·3	13·5	13·8	13·7	13·5	13·6	13·7
Total of convictions recorded against these admissions	64	370	157	241	189	157	178	104	164	161	193	190	209	155	186	156	184
Average of convictions recorded against each boy	2·2	2·6	2·6	2·5	2·1	1·6	1·8	1·9	1·8	2·4	1·7	1·9	2·0	1·9	1·9	1·7	1·8
Number of first convictions	12	52	21	42	45	55	51	22	40	26	59	46	39	38	36	40	36
Percentage of these on the admissions . . .	42	36	35	44	51	58	52	41	43	38	53	47	39	48	37	45	37
No. admitted between 14 and 16 years old . .	...	...	...	...	...	39	35	24	42	36	53	53	52	41	47	50	52
Percentage of these on the admissions . . .	...	...	...	...	...	42	36	45	46	53	48	54	52	51	48	56	53
Number discharged in three years	...	...	...	...	68	124	219	281	254	233	211	234	234	242	231	233	240
Percentage of 're-commitments' from these discharges during four years' probation . .	...	...	...	...	11	13	16·5	18	20	15	15·63	15·38	16·67	16·11	15·58	10·73	8·75
Percentage of 'unknown' from these discharges during four years' probation	...	...	...	...	5	8	5	6	3	2	2·36	1·28	1·71	2	·86	1·28	·82

N.B.—According to the Mettray mode of reckoning re-commitments after discharge, viz., by detection of old detenus in prison during any one year, and the percentage of these to the number discharged from the school since its commencement, the Red Hill percentage of relapses for 1872 is only 1·25 per cent., or 14 Red Hill boys were detected in prison in 1872 out of 1,084 discharged in 16 years (1857 to 1872). Since the removal of the school to Red Hill in 1849, 2,491 boys have been admitted (to December 31, 1872), 2,176 discharged, of whom 1,072 emigrated. In the four years ended 31st December, 1872, 322 boys were discharged, of whom 180 emigrated; the result being that 92 per cent. are not re-convicted, 6 per cent. are re-convicted, 1 per cent are unknown. Of those re-convicted one-fourth have recovered their character, and are now living honourably and doing well, showing that Red Hill has received above 1,000 boys, besides those sentenced under the Reformatory Schools' Acts, 1,479 in number, and thus was the great pioneer of 'Reformatory Schools.'

This specially shows the effect produced on boys not sent there on first conviction, but who may be considered to have led something like a decided criminal life. Ten per cent. only of the boys who leave that Reformatory—and they are so followed and looked after that the statement may be regarded as accurate—return to pursuits of vice and criminality. Doubtless this is greatly owing to the invaluable course adopted—effectually worked elsewhere, also—namely, of training those town boys to agricultural labour.

Miss CARPENTER (Bristol): The system suggested by Mr. Serjeant Cox of applying the rod instead of Education and industrial training is upon the whole fallacious. The law as it at present exists is founded on absolute certainty as to the course of conduct which ought to be adopted towards juveniles, and that course is in accordance with the oldest law on the subject in the country—the Saxon law, which held that they were not responsible. Serjeant Cox speaks of juveniles under eighteen years of age. The Reformatory movement deals only with juveniles under sixteen. They are sent after imprisonment to Reformatory Schools, where the whole system is industrial and educational, and intended to act upon their moral and religious nature, and to make them good and useful members of society. The results might be more perfect, but we consider them satisfactory. Up to fourteen years of age the young person may be sent to a certificated Industrial School, and as there is no imprisonment no stigma or stain attaches to them, because it is perfectly well understood that he or she is there solely from the want of proper parental influences. The only part of legislation which is as yet defective is one which deals with children below that stage. I will only say here that I think it must be made part of the legislation of the country that those children who can be dealt with by School Boards should not be sent to Industrial Schools—which are really boarding schools—at an expense to the country of at least 20*l.* a-head. Boys very often are not sent to a Reformatory until the third or even the fourth conviction. Girls should always be sent on the first conviction, unless there is some guarantee that they will not be exposed to crime. The reason is this: Boys are taken up for a great number of offences which arise from their wild and lawless disposition, and which create great annoyance to society and refuse to be dealt with. They ought not to be sent to a Reformatory. As to these, it has been proved that the rod does not deter. Where it is considered not desirable to send them to a Reformatory the parents themselves should

---

Inspector's remarks on "smaller stature" (page 7) need to be greatly qualified also. The re-commitments or "relapses" have fallen to 8·75 per cent. for 1872 on 240 boys discharged in 1869, 1870, 1871—the lowest percentage yet reached. The "unknown" were less than 1 per cent (83). The Blue Book (page 6) speaks of 75 per cent. as "the long-standing measure of success for Reformatory training," and says that this ought to be considerably exceeded, the materials now being much more tender and pliant, and the work less difficult. Red Hill, with as stern material as ever, has already attained above 90 per cent. (90·41) of success. (Our own figures—Report, page 25—are perfectly accurate, though they differ somewhat from the Blue Book, page 213, the difference arising from different ways of reckoning.)

administer the correction at home, and should be held responsible for the future good conduct of their children. As to girls it is different. A natural tenderness is felt towards girls as the weaker sex, and those who would send a boy without compunction to prison and to a Reformatory would not so treat a girl, and would not subject her to the contamination of a prison. And, besides, girls are not exposed to the same class of delinquencies as boys. After an experience of twenty years in a girls' Reformatory, I do not think magistrates as a rule send girls to a Reformatory on the first offence, or if they do it is because, through bad home influences, it would be wrong to her if she were not sent to a Reformatory. If it would be useless to send her back to her home, and only lead her to fresh crime, a girl should be sent to a Reformatory on the first offence. The boy lives more in the street and has not the same influence from his home that the girl has. The girl is shut up with her mother, and is corrupted by any evil propensities of her mother. I see Mr. Safford present. He has told me that at the Southwark police court there is not one girl brought up for fifty boys. At the time the Reformatory movement began, the prisons were in such a condition that most of them could not receive a girl without contaminating her for life. A girl sent to a Reformatory might be shut up in the same cell with hardened female prisoners. The nature of a girl is sensitive and easily receives bad impressions. Every girl sent to a Reformatory should have separate confinement. The fundamental idea of the Reformatory system is to obliterate the jail stigma from the boy or the girl. Since the law now provides for their being sent to certificated Industrial Schools up to fourteen years of age without being sent to prison, there is no objection to those who defy the law being sent to prisons as now conducted; but it is by the system of Reformatories that the stain may be taken away, and that a good character from a Reformatory may be really regarded as such. People are glad to get girls from my Reformatory at Red Lodge, Bristol, instead of looking upon them as bearing a hopeless stain and stigma. Now I cannot supply the demand. Reformatories need not be nearly as expensive as is stated in the Paper. The boys or girls ought not to get luxuries unknown to working class children. The annual expenses of my Reformatory do not amount to above 20*l.* a-head. Boys cannot be managed so low, because of their outfit afterwards.

Dr. F. J. Mouat, C.B. (London): Miss Carpenter has spoken from the woman's point of view—the view that must be taken by every right-minded mother, wife, and sister—who rule by love and affection. My experience of the management of juvenile criminals has taught me to condemn the extension of flogging. If correction be necessary for boys, let it take the form of simple parental correction. Trivial offences, such, for instance, as the throwing of a stone, should not be made crimes. Greater responsibility should be laid on parents for the acts of their children. Often children go astray owing to the vice of bad parents, who are not made sufficiently responsible for the domestic training of their offspring. Let the law act on any repetition of the offence; but for the first offence let the parent be held responsible, and I believe the result will be satisfactory. A child has not always

knowledge of the consequences of his actions. It is the parent's duty to teach the child these consequences. I spent two days at the great Agricultural Institution at Mettray, founded by M. Demetz. The principle adopted there is education and industry, founded upon agriculture. A beneficial home feeling is created and cultivated.

Mr. G. W. Hastings: The power of inflicting corporal punishment in certain cases is, in itself, beneficial. If I were asked for a theory I should say I was opposed to the subjecting of any child to a blow, but at the same time, as a matter of practical fact, I have, as chairman of Petty Sessions, constantly to deal with very difficult cases, and I have had cases brought before me in which it was best to whip the child and have done with it. But it does not follow that we are to order whipping for all classes of offenders and for all kinds of crimes. I differ from the statement in the paper that when a child is brought before a magistrate there are only two things which can be done with the offender—either to send him to prison, which would be very bad for the child—or to fine him, when the fine would fall on the wrong person. The fine falls on the right person, the parent who has neglected to keep the child in proper order. Over and over again I have cases of that kind before me. The parent complains. I reply: "Not at all hard. You ought to bring up the child properly." I will give you an instance of a case in which I thought it right to order such a punishment. I had a child brought before me two or three weeks ago for throwing a stone at a railway train, and I found that several boys were in the habit of throwing stones at passing trains. The Company had done all they could to prevent it, and at last they caught one of the boys. A fine would have been a hardship, for the boy had no parents, but had been brought up well by his aunt. The aunt consented to my dealing with the case myself. I ordered that he should be taken into the next room and have a good flogging. I came by the station the other day, and asked whether there had been any other cases of stone-throwing, and the answer was, "Not one." Cases of foolish boyish mischief may very properly be dealt with in that way. I do not say either that it is not a case for parental infliction. Some boys robbed my orchard; I did not prosecute them, but I had the parents sent for and asked them to correct the boys in due moderation, to prevent their doing so again. The Paper speaks of luxuries—of boys in Reformatories being better off than boys of poor, honest parents. It is not the case. My friend, Mr. Barwick Baker, who founded one of the first reformatories, can tell us whether the boys are luxuriously treated. They have tolerably hard fare. They live as they would do in their parents' cottage. The Paper ignores the fact that besides Reformatories there are Industrial Schools to which children may be sent who have not reached a certain age or degree of criminality. If possible, I would always send juvenile offenders to an Industrial School, because it is cheaper and because they there avoid the prison stigma. Reformatories ought not to be used except in cases of necessity. With regard to younger girls, there is difficulty in dealing with them. It is not a question of age; many of these young girls are so corrupted that you dare not send them into a Reformatory with girls differently cir-

cumstanced. I remember having a girl of apparently twelve years of age before me, and was anxious to send her to a Reformatory, but the governor of the jail told me I had no idea what that child's character was. How to overcome the difficulty I cannot say. As to those not so miserably circumstanced, it is not so very difficult to deal with them. The Reformatories and the Industrial Schools are open to them, where they will be trained in habits of industry and made respectable members of society.

The Rev. Hugh Smythe (Luton): I agree in the main with Mr. Hastings. In the district to which I belong there was a perfect plague of boy crime before the Reformatory action commenced. There was abundance of work for women and girls, but little or none for boys, and they were therefore in our streets in shoals. What to do with them we did not know. They came before us first for petty crimes, but they were certain to come again and again, and in some cases until the crimes reached such a magnitude that they were transported or sent to penal servitude. The Reformatory system, however, had an immense effect in reducing crime, and I regard it as one of the greatest social reforms of the age. It supplied something which was reformatory to the children, and deterrent not only to the children but also to the parents. The way in which it is reformatory, is, I think, not in the way on which so much stress has been laid. I believe that a large number of those who return to their own districts from Reformatories fall again into crime. But the advantage of the system is that they are taken away from their old associations and haunts. Employment is found for them in the colonies or at a distance from their own neighbourhood, and in the majority of cases the system works with success. That it is reformatory will not be disputed. Now, is it deterrent? The sentence is four years, and four years are an eternity to a boy. It is very little to us, but four years in perspective is appalling to a child. It is separation, as it were, for ever from home and friends and companions. I think the rod is beneficially applied in the case of first offences. Mr. Hastings gave an instance, let me give another. A short time ago we had two boys before us. One was above the age at which we could deal with him, the other was under it. One of the boys we ordered twelve strokes of the birch rod and the other we sentenced to fourteen days' imprisonment. The boy sentenced to fourteen days went away smiling, the other cried for mercy piteously. The Reformatory system is deterrent to the parent also. The parent ought to be made to contribute to the support of the child in the Reformatory, if only 6*d.* or 9*d.* a week. If young boys are to be deterred from crime they should be taught to regard the criminal life as a miserable and odious life, and therefore the Prevention of Crime Act should be vigorously enforced. The criminal classes should not be allowed to go to a public house. They are watched carefully in my district; they know they are a class to be shrunk from, and other people will have nothing to do with the black class.

Mr. Barwick Baker (Gloucester): I have had much experience, and I always speak strongly against that term—the pity of inflicting the indelible brand of having been in prison upon an offender. There is

no such thing. I have been at work amongst prisoners for the last fifty years, and forty-five years working as a magistrate. After careful consideration I deny that there is this indelible prison brand. It exists to a certain degree, but it is not indelible. It may be worked off in time. There ought to be a brand for a time, but it ought to be such as may be got rid of in time. The public generally act on correct principles. The prison inflicts no indelible brand, and they know it; neither does the Reformatory or the whipping, but the crime does. Twenty years ago I had difficulty in inducing people to take boys from the Reformatory. Many of them had not been convicted, the Act not having then passed requiring that boys should first be convicted. Many of them were simply poor boys; but I could not get them into service at first, from a vague suspicion that they had done wrong. I am unwilling to lessen the brand of wrong-doing. They ought to feel that they have done wrong, and that they will find it difficult to get work, particularly a place of trust. The offender ought to be taken as a damaged, but not utterly spoilt man; and that ought to be part of his punishment. We take care never to let a master have a boy from the Reformatory without knowing his whole history, in order that he may have the proper degree of brand, though not an indelible brand, upon him. There is an opinion that boys sent to prison will be mixed up with murderers, burglars, and old thieves. Such is not the case. The boy has no power of speaking to the other prisoners during the whole time he is there. They cannot communicate with each other without the risk of punishment; but speaking once will not corrupt the boy. There must be long conversation to do that, and that there cannot be. The great object of the Reformatory system is not punishment, but is the prevention of crime. And prevention does not mean, as some Americans suppose, taking a child likely to go wrong and rearing it at the expense of the state in separation from the outside world. At the commencement of Reformatory work, in the year 1856, there were 14,000 boys and girls committed. Four years afterwards, in 1860, the number was reduced to 8,270. That was not done by the Reformatories, because we had only 1,000 boys per annum sent to them; but in some way or other that great change was brought about. If every boy were sent to a Reformatory on the second offence he could not become a hardened thief, and by giving a longer term of punishment to men who are hardened in crime much may be done without extra expense or the passing of new laws.

Mr. Herbert Safford (Richmond): The discussion has departed from the question raised by the Paper. The question is, how should the punishment of juvenile offenders be regulated. That seems to me to point to an extension of the Reformatory system. At present the law allows us to send children up to 16 years of age to a Reformatory school. Is it advisable, then, to extend the age from 16 to 18? I think that the present limitation often works injuriously, and the period ought to be extended. The Reformatory system ought to be a system of reformation, and that cannot be accomplished by brute fear. There is nothing so fearful in the eyes of a boy as the terrible birch rod. I would not train up a child of my own in that way, and that, after all, is

the test. Why should children be treated as we are obliged to treat dogs, teaching them obedience through fear of punishment. There is a higher intelligence in the boy which ought to be appealed to. It is through his reason he may be reformed and made a useful member of society. Boys or men who are treated as brute animals will never make good citizens. I doubt whether whipping can be ordered, as has been intimated, for every offence. The legislature in its wisdom has controlled the whipping propensities of magistrates. Reformation and prevention ought to be the great object, and not a system of punishment which only brutalizes. A deeper sense of parental responsibility is wanted. The opinion is too general among the working classes that it is the duty of the parson, the policeman, the magistrate, the school-board officer—of anybody but of the parent—to see that the child is brought up properly. Parents must be taught that they are responsible, and that Reformatories are not places of luxury to be kept up at the expense of the ratepayer, but that they must contribute to the support of their own children. I have known instances of parents bringing up children of eight or ten years of age for stealing a few pence. If the child had been in a good position in society and committed the crime the parent would punish him. In such cases as I have regard to, parents ought to be bound over to look after their children, so that if they go wrong the parent will suffer a pecuniary loss.

Dr. Mouat: I wish, sir, to correct a misapprehension. I do not object to parental correction for a first offence. I object to repeated whippings for petty offences.

The Chairman (Mr. R. T. Gurdon): There has been, as there ought to be, considerable difference of opinion, but the difference is as nothing compared with the general agreement. There has been a universal assent as to the great desirability of checking juvenile crime in every possible way, so that crime may be nipped in the bud. There has been a general agreement of opinion as to the great use Reformatories have been. Boys should be whipped for the first offence. Steps should be adopted to make parents feel that they are responsible for the acts of their children. I have carried that out myself wherever I could, and I believe if the whole magistracy were to order parents to contribute to the maintenance of their children in Reformatories the result would be most beneficial. If the parent had to pay 2*s.* a-week he would feel the difference between doing so and perhaps having his boy earning 5*s.* a-week.

ADMINISTRATION OF CRIMINAL JUSTICE.*

Are any and what Improvements Necessary for the Administration of Justice in Petty and Quarter Sessions? By Sir WILLOUGHBY JONES, Bart.

THIS question naturally divides itself into two heads: 1. The improvements advisable—I venture to use the word in preference to the term "necessary," made use of in the question referred to us—in petty sessions; 2. The improvements advisable in quarter sessions.

Before considering either of these divisions I have been warned by our Secretary that I ought not to leave unnoticed a change which is not without its advocates, and which, if adopted, would at once dispose of the subject of this paper. I need hardly say I refer to the change by which stipendiary magistrates would everywhere be substituted for the present local benches.

I am quite aware that the high antiquity of the unpaid magistracy, and its pedigree tracing up to the 20th of Edward III., will not in these days be considered an argument in its favour, if reason and inquiry should show that a better instrument for keeping the peace and repressing crime can be found. The action of the Legislature in abolishing by a permissive Bill the parish constables, a class of public officers still more ancient than the justices of the peace, dating as they do from the 13th of Edward I., and through the headborough or tything man from King Alfred, would at once put me out of court if I attempted to build an argument upon antiquity or prescription. The question, therefore, must be considered upon its own merits; and at starting we cannot avoid being struck by the fact that what is commonly understood by a system of rural stipendiary magistrates has hitherto been without precedent in these islands.

The Irish stipendiary system, where the paid and unpaid meet together on the same bench, and where the stipendiary is only an addition to the bench made by the Lord Lieutenant in certain defined districts; where the preliminary details, the summonses, informations, &c., are worked by a resident local magistracy, by whom also the greater part of the cases are finally decided, cannot be justly termed a pure stipendiary system; and indeed, when we bear in mind the important position occupied in it by a local unpaid resident magistracy, in every respect similar to the magistracy of England, it can hardly be said

* See *Transactions*, 1870, p. 211.

to resemble the scheme occasionally put forward under that name. Of this scheme I must now say a few words.

The success of the county court judges, and the vast amount of business they transact, has no doubt suggested the idea that it would be practicable, I may almost say easy, to devise a similar system, or to make use of an expansion of the present system, to repress crime and keep the peace. I can hardly, however, imagine that the advocates of the change can themselves have had experience of the very great number and variety of matters that day by day come before a magistrate, either in the preliminary stages of prosecutions, such as informations, summonses, &c, or as questions of the nature of vagrancy, binding over to keep the peace, and such like, that call for immediate settlement. In the absence of the justice, who is to take these cases and transact this business? It would seem that a great increase of preliminary detention would be unavoidable, and extra houses of detention must be constructed and kept up. No doubt under the present system houses of detention for untried prisoners, distinct and separate from prisons, would be an improvement, I may say a great improvement, and may hereafter be adopted generally; but justice is now so accessible and speedy, that it rarely happens that a prisoner has to undergo any previous detention for an offence triable at petty sessions, beyond a day or two in a police station cell or "lock-up," the only form in which a "House of Detention" is known in the rural districts. One great evil therefore, unavoidable to a certain extent in the administration of justice—I mean the preliminary imprisonment of untried persons—is reduced to a minimum under the present system of a numerous local unpaid resident magistracy. This in itself is a great advantage inherent in the system, and a result unattainable were criminal cases heard and determined by stipendiary magistrates going circuits.

The limits of this paper prevent me from doing more than suggesting the heads of the more striking objections I should have to make to the change:

1. Inconvenience from the absence of the magistrate on the spot.
2. Expense and hardship of preliminary detention, including construction of prisons where now unnecessary.
3. Evils of a large increase of the paid official class; combined with the fact that unless all be paid alike (an impossible arrangement) or irremovable (in which case good men would not take the poorly-paid posts) subserviency and aiming at promotion is inevitable.

I mention these as some but by no means all the heads of objection I am prepared to make to the change, a change that would only be rendered palatable to the taxpayers and popular in the country by neglect of duty on the part of the magistracy, or by their losing the respect and confidence of the populations among whom they act.

Having very briefly considered a branch of the question to which my attention was specially directed by the Secretary of the Association, I now come to the first division of our subject, viz. what improvements are desirable in petty sessions?

The first and most evident improvement is the payment of the clerk to the magistrates by a fixed salary, and the transfer of the fees received to the county rate. This change has already been adopted in several counties; and, supplemented by Mr. Ward Hunt's Bill for making all payments in county stamps, it has been found to work well in Northamptonshire and elsewhere. It would have been adopted in Norfolk, and a committee was appointed in October 1871 to make the change under the provisions of the 14 and 15 Vict. cap. 55, but before the necessary returns were complete at the beginning of the following session a Bill was brought in to make the payment by salaries compulsory, and it was in consequence thought better to wait and see what provisions the Act, whenever it was passed, might contain, instead of proceeding any further under the old Act. Whenever we make the change in Norfolk it is intended to adopt at the same time the County Stamp Act. Both changes were incorporated in the Public Prosecutors Bill of last session, and will no doubt speedily pass into law. I will not, therefore, dwell upon them at length, but I would venture to urge that the payment of magistrates' clerks ought to be on a liberal and not on a niggardly scale. The magistrates themselves do a large amount of important and responsible work without charge, but it is of great consequence that they should be guided by sound, dependable legal advice. The clerk should not only be a solicitor but a man of experience and good standing in his profession. The pay they now receive would seem to be in some cases insufficient to induce the best men to accept the position, involving as it does considerable claim on time and expenditure on books, forms, stationery, and sometimes on the room where the session is held. I should for my own part prefer a scale of payment proportionate to the area and population to one calculated on the fees of past years as ordered by the 14 and 15 Vict. cap. 55. Such a scale would have the further advantage that it could not be said to inflict a penalty on the clerks of the best-managed districts where

crime was lowest, and where perhaps the number of items charged in an average bill of expenses was most moderate.

It is to be hoped that when the fees become the property of the ratepayers the magistrates will exercise very charily the power of remitting which they will then possess. It will be desirable to have a return made quarterly to quarter sessions of fees remitted, stating the amount and the reason why remitted, in order to check the tendency inherent in human nature to be liberal to the individual at the expense of the public. This safeguard against vicarious charity will be the more necessary as a disposition exists with many persons to consider the fees a necessary evil, interfering as they do with the discretion of the justices in proportioning the penalty to the offence. Such is not my opinion. I consider the "expenses" as the *constant quantity* in the equation of crime; the penalty is the *variable*. Persons contemplating slight acts of criminality might be tempted to go further if they were allowed to speculate on a penalty that might be after all a trifle; but here the *constant quantity*, the "expenses," best part of a week's wages, comes in, and by its simple stern presence prevents all gambling in "getting off cheap."

Next to the status and payment of the clerk and his scale of fees come two classes of cases that are tried at petty sessions and which from their peculiar character will call for a few observations; the first being the provisions of the Masters and Servants Act, by which in certain cases magistrates at petty sessions are called upon to try breaches of contract, to assess damages, and to order stoppages from wages, or at their discretion alternative imprisonment. These cases being entirely civil, it should be optional to the defendant whether they should be tried at petty sessions or at the County Court. If tried at the County Court no charge of fees should be made for preliminary proceedings at sessions, so that the defendant if he loses his cause should only have to pay one set of fees.

The second class of cases to which I referred as requiring consideration are the cases under the Game Laws, whether Excise prosecutions for defrauding the revenue or private prosecutions for poaching. I would remit these cases *in toto* to the County Court. Of course, if the Legislature should ever make wild game chattels and the subject of larceny, poaching would become felony, and as such would fall within the province of a criminal court. To my mind, however, the objections to such a change are so numerous and so weighty that, though supported by much able and powerful opinion both in the press and at the Bar, I am unwilling to believe

that it will be adopted. The stigma of "felony" will not attach in public opinion to the appropriation of an article that changes its owner as often as it changes its perch; and the punishment of felony, with its long sentences for repeated offences, cannot precede the verdict of public opinion.

It is often supposed by the outside public that the magistrates in petty sessions have considerable jurisdiction over the highways, and can compel the surveyors to keep the roads in a decent and passable state, and it not unfrequently happens that passengers using a stony, rutty highway give utterance to the opinion that "the magistrates of the district ought to be ashamed of themselves for neglecting their duty." It is not surprising that such an impression should prevail, for once a year all road surveyors attend petty sessions, produce their rate-books and account-books, swear to the accuracy of their contents, and submit a long tabulated statement as to the condition of their highways. All this business, however, is pure "bunkum," and I believe I am right in saying that the bench have no more power to order repairs than any casual resident in the district; I may go further, and say that their remedy is the same as that of our casual friend, and that both parties would have the privilege of paying the expenses of their patriotic and unselfish proceedings out of their own pockets. This sort of empty show of supervision ought to be abandoned; and as it is to be hoped that before long the provisions of the Highway Act will be made everywhere compulsory, and the present anarchic administration of the roads by irresponsible surveyors come to an end, it will not hereafter be necessary to put in its place any real magisterial jurisdiction. And this subject of empty, unmeaning forms brings me to the question of signing rate-books, and swearing in parish officers. All these are simply means of increasing the insufficient salary of the clerk. When he is properly paid by a fixed income, the parishes had better pay the necessary trifling additional county rate directly, and save their officers the trouble of attending sessions.

The last observation I have to make on the subject of petty sessions is, that their being held in a licensed house of any sort ought to be forbidden by law, and where other accommodation cannot be found, the sessions should be held in the nearest union-house. It will be seen that, excepting the transfer of two classes of cases, the one partially, the other wholly, to the County Court jurisdiction, the improvements I am able to suggest in petty sessions are few and trifling, and consist mainly in getting rid of troublesome formalities and unnecessary oaths.

Secondly: What improvements are advisable in the administration of justice at quarter sessions? The first question that presents itself is, whether the Grand Jury at quarter sessions might not be dispensed with? The main argument for its abolition is, that it is of very little real value as a protection to the accused, the very few bills ignored being cases in which the Crown would abandon the prosecution, or which would be stopped by the Chairman, without calling upon the prisoner for his defence. In these days, when magistrates committing for trial are bound to place upon the depositions the evidence of witnesses for the defence, if required to do so by the accused party, what almost amounts to a preliminary trial takes place before the committing magistrate; and the Grand Jury, who only hear the *ex parte* evidence for the prosecution, are in fact less well-informed as to the case than the committing magistrate. Under these circumstances the case now passes through three stages: first, before the committing magistrate, who hears both sides, and exercises his discretion whether to commit or dismiss; secondly, before the Grand Jury, who only hear one side; thirdly, in court, when again both sides are heard. Looked at in this light it seems that it would simplify business, and not unduly press upon the accused, to suppress the second partially-informed stage of the proceedings. In favour, however, of retaining the institution it may be urged that it causes a large body of farmers, merchants, and other classes to take part in the administration of justice at quarter sessions who would otherwise be exempt, no doubt to their own great satisfaction; and also that it enables the Chairman in his charge to put conspicuously before the county any change in the criminal law, or any facts bearing upon the state of crime, such as statistics of detections, &c., &c., which it is important or desirable should be known by the public generally and especially by the *in posse* or *in esse* criminal classes. Such information, however, may be advertised through other channels, and perhaps upon the whole the balance of argument is in favour of freeing the quarter sessions grand juries from the trouble and expense of attendance. As it seems not unlikely, to judge from recent bills in Parliament, that special jurors—the class from among which as now defined the quarter sessions grand jury is taken—may have a share in trying what are now petty-jury cases, the relief may hereafter be only fair and equitable.

I wish to guard myself against the supposition that the foregoing remarks have any reference to the grand jury at

assizes; this institution has many valuable attributes, and the fact that in a certain class of cases which it is unnecessary to specify and which generally depend upon a single witness, it may by careful and sagacious questioning prevent an innocent man from undergoing the ignominy of a public trial, ought to be decisive against its abolition. In such cases it is a real safeguard to a prisoner against vindictive or mercenary charges, and it may well be believed that were it abolished the concoction of such charges and the endeavour to terrify or extort money by means of them would be more frequent.

I now come to the next query: Is a public prosecutor necessary or advisable?

This question is so large that it is impossible to do more than glance at it within the limits of this paper. That in many districts such an officer would be a very valuable help in the administration of justice is undeniable; and the number of places where he is wanted is so much greater than that of the rural oases where crime is somewhat stagnant and at a low ebb where he can be dispensed with, that if the same measure *must* be dealt to all, then I should say by all means let such an officer be appointed everywhere. At the same time, much as I dislike permissive legislation, I think the counties should be allowed a discretion as to whether or not they would make such appointment. In Norfolk I believe his salary may be saved to the tax or rate payers as the case may be; crime here keeps steadily diminishing; forty-seven prisoners in Norwich Castle are insufficient to man the treadwheel; the same depletion exists at Swaffham; while committals for trial or summary disposal await between 85 and 90 per cent. of the cases reported to the police. Under these circumstances we may safely follow the time-honoured maxim of "leaving well alone."

Thirdly: Ought quarter sessions in all cases to be presided over by a paid chairman?

The precedent of the recorder in boroughs is no doubt in favour of the change; we must, however, remember that retired barristers of distinction do not settle down in country towns or provincial cities, while in the rural districts of England there are to be found many members of the Bar, leading politicians, and men of leisure and learning, fit for the work and willing to undertake it. I may quote among the past and present Chairmen in our eastern counties Austin in Essex, Rodwell in Suffolk. I may name our late Chairman, my immediate predecessor, Mr. Dover, and my late colleague, inferior to none of these, Edward Howes, M.P.; and travelling further afield, I may name as a typical Chairman of the present

day Mr. Henley in Oxfordshire; and as politician Chairmen Lord Salisbury, Lord Lyttelton, and Sir John Pakington. Beyond this argument I cannot go. Whenever and wherever it comes to pass that a chairman cannot be found among the magistracy fit for the work, a stipendiary must take his place.

The terms of the question proposed to us preclude my discussing any attributes of quarter sessions other than those concerned with the administration of justice; I am therefore debarred from such subjects as the basis on which the county-rate should be levied, the elective element to be introduced into the court for the purpose of decreeing the levy and expenditure of the rates, an addition which all political parties have agreed to be desirable; also such questions as the property qualification of magistrates and other such-like things having reference to the internal administration of the counties. There is, however, one matter bearing upon the administration of justice by the magistracy to which I have not as yet alluded, but which I can hardly pass, as I should prefer to do, *sub silentio*—I mean the suggested imposition of a fresh disability on the clergy of the Established Church, by debarring them for the future from access to the magisterial bench. With any agitation for such purpose I have no sympathy; on the contrary, I would gladly see the exemption enjoyed by clergymen in common with non-conformist ministers from serving on juries done away, and the minister of religion put in all such matters on a footing of perfect equality with his fellow-citizens. It does not seem to me that the duties of a clergyman are such as to prevent his being an efficient juryman, a good magistrate, or a useful M.P. As for the sufferings and destitution of the flocks from the absence of their pastors doing duty on the jury or sitting on the bench, they seem to me to belong to the category of inevitable inconveniences which all classes of the community must from time to time for the public benefit be called upon to endure. Many of our most painstaking and valuable men of business at quarter sessions are clergymen, and there can be no question that the endeavour to limit the field of selection for the magistracy by excluding clergymen *quâ clerics*, or even *quâ beneficed clerics*, would be a retrograde step unworthy of the age, and evidencing a jealous and almost persecuting spirit.

With these remarks I must close this paper. The courts about which we have been enquiring, and for whose improvement we are inviting suggestions, are, I believe, not only doing good useful work themselves, but are fully equal to the courts which represent them in the most civilized portions of the

Continent of Europe (I allude to the nations subject to the Code Napoléon) or in the United States of America. That improvements may be made with advantage is manifest, and no doubt many such improvements omitted in this paper will be pointed out by subsequent speakers or writers; but after all they may fairly say, "Si monumentum queris circumspice," and point to industrious, orderly, and contented England as a proof that they have not only repressed crime and kept the peace, but that they have by so doing in an impartial, just, and yet merciful spirit made the law itself obeyed, respected, and beloved.

DISCUSSION.

Mr. A. H. Safford (London): It has been calculated that in the year 1862 there were 9,600 magistrates in England and Wales, including 7,770 for counties, ridings, and divisions; 1,890 for cities and boroughs, including police and stipendiary magistrates; 790 courts or places where petty sessions are held—175 in cities and boroughs, and 15 in the metropolis. There were no less than 900 clerks to magistrates. The smallest number of stipendiary magistrates that would be required would be 250 to supply the place of the present 9,600 magistrates. Now, at a moderate figure, the salary of each stipendiary magistrate should be 800*l.* a year; so that the cost to the country would be about 200,000*l.* a year. Under the present system of appointment, the Bar would be rendered subservient to the Government of the day, and the profession would be flooded with men who merely entered it for the chance of the exercise of this new patronage in their favour—with raw young barristers, who could probably write all they knew of law on a sheet of foolscap. In our superior courts of judicature the man who directs as to points of law is the judge; the men who decide upon the facts are the jury. Is it not advisable, I ask, that the same system should be introduced into the magistrates' courts? Would it not be better that there should be the combination of legal training and general knowledge in the minor courts, or in other words, that the magistrate should be trained to direct the clerk, and not the clerk the magistrate? It would be an economical way of getting stipendiary magistrates—if they are wanted—to promote magistrates' clerks first as assistant-magistrates. Amongst magistrates' clerks might be found men skilled in the work and well-qualified in every way to perform the duties of the office, having for eighteen or twenty years given their attention to one branch of the law, and who are entitled to promotion. The magistrate would then be able to direct the clerk how to make out a commitment, and I believe there are very few who could do so now. It is bad on principle, that the grand jury should decide upon matters already examined by a magistrate. A witness may have been tampered with—no counsel is in the room to examine—and probably a bill is thrown

out when on an enquiry in open court a conviction would have ensued. In 1838 a Metropolitan Police Bill was introduced, one provision of which was to the effect that the magistrate might give a certified indictment, which would have the effect of rendering it unnecessary to go before the grand jury. It was, however, thought too much power to give to magistrates, and was struck out in committee. Often high fees prevent the administration of justice. I object to remitting fees. In London it is made a matter of trade. A person comes, and on the statement that he or she cannot pay the fee a free summons is granted. It is withdrawn, and perhaps 2*s.* is extorted from the defendant. The answer frequently given is this: "If you are right your neighbours will lend you the money; if you are wrong they will not." An uniform table of fees should be uniform, and forms should be shortened. It would be sufficient in a commitment to state the name of the prisoner and of the committing magistrate, and to recite the section under which he was committed, and the place to which committed. Summary jurisdiction should be granted in the case of petty frauds and cheating. Magistrates should have power to commit for contempt of court. Often they are unable to keep order in their own courts. In London there is summary power of estreating recognizances, and it works well. It might be extended to the counties. Justice is administered now as well as it could be by stipendiary magistrates. Is there a demand for the change? Is there more claim upon the time of the local magistrates than they can meet?

Rev. Hugh Smythe (Luton): I agree with Mr. Safford that by appointing stipendiary magistrates unsuccessful barristers will be obtained, at the serious loss to the country of the unpaid magistracy. Magistrates are appointed to keep the peace as well as to decide cases judicially. Generally he is an inferior magistrate who, in his own district, cannot keep cases out of the court by trying friendly settlement, as a stipendiary could not. This advantage should not be lost. It is said that the present magistrates are unlearned in the law, but magistrates' law lies in a very short compass, and we have the same kind of cases over and over again to decide. To say that a man of ordinary intelligence, after he has been some time on the bench, would not be qualified to act as a magistrate, is, in my opinion, a mistake. A man is not made chairman of petty sessions until he is a considerable time on the bench. The system of paying a magistrates' clerk by salary instead of by fees works well. I do not agree with Sir Willoughby Jones as to fees. There is the objection, that supposing the fees amount, as in an ordinary case, to from 9*s.* to 15*s.*, and the case is a very trifling one, you can only impose 1*s.* fine. Well, that stamps your opinion of the case in the mind of the audience, whereas in reality the fine may amount to 15*s.* or 16*s.* I do not agree with what Sir Willoughby Jones said as to the Masters and Servants' Act. The remedy would not be speedy enough —no redress now that imprisonment for debt is abolished. Harvest labourers who leave their work cannot be brought into the county court. You cannot inflict a fine in the county court with the alternative of imprisonment, and how could they levy the fine? Appeals ought in many cases to be allowed. Game cases could not be trans-

ferred to the civil courts. The poacher would be even more difficult to come at in the county court than the agricultural labourer. He is usually a wild young fellow of twenty or so, without any settled home at all, and you would not know how to get at him. False pretences and similar offences ought to be dealt with by the magistrates, and not sent for trial at quarter sessions; but power of appeal ought to be reserved. The Quarter Sessions Grand Jury should be abolished. It is not good for the Church, but it is good for the country that there should be clerical magistrates. It is advantageous to have mixed with the country gentry men who are not employers of labour; who know the habits of the poor and what their wants are; who know what a fine is to them, and how it curtails their comforts. The clergyman knows this, and they break that class system which would otherwise prevail. If the magistracy are to be of one class, by all means have the country gentlemen, but the magistracy ought not to be confined to a class.

Mr. G. W. Hastings: I speak as a Chairman of quarter and petty sessions. An extension ought to be made in the jurisdiction of quarter sessions. Quarter sessions, for instance, should try burglary as well as house-breaking. Burglary was formerly a capital felony, and therefore triable only by a judge of assize, but the punishment is not now more severe than could be inflicted at quarter sessions, and the distinction between burglary and house-breaking is needless. One other improvement in quarter sessions would be advisable. The ordinary magistracy down to the time of Blackstone—the end of last century—were competent to discharge ordinary magisterial acts, but there was a select body—called the Quorum—specially named in the commission, who had higher functions to discharge. The great bulk of the magistracy, owing to the spread of education, are competent now to discharge those duties, but still the principle might be again usefully acted upon. This has been done as to the Licensing Act, appeals to the quarter sessions under that Act being disposed of, not by the general body of the justices, but by a licensing committee not exceeding fifteen. It is better to have a small body trying cases on appeal, than the possibility of many flocking to hear a case in which some may be interested. All the judicial functions of the quarter sessions ought to be discharged by a small body of justices, and the quarter sessions should have power to appoint a judicial committee—like the licensing committee—whose duty it would be to keep two courts going. There is one improvement I should wish to see as to petty sessions. Every petty sessions bench should be compelled to appoint a chairman. Some do, but some do not; in the latter case the senior magistrate has a right to take the chair. He may be competent or incompetent, and a want of uniformity of decisions ensues. Lord Cairns proposed this change in the Bill which he introduced two or three years ago in the House of Lords for improving the procedure of petty sessions. I concur with Sir Willoughby Jones as to the payment of the magistrates' clerks by salary. It is obvious that they are subjected to some temptation by making remuneration dependent upon the amount of fees. Occasions will arise in which people will suspect—however erroneously—that a conviction was obtained in order that the

clerk might receive the fees. It is a rotten element in our judicial system to make the remuneration of the officers depend on the amount of business done, and above all on the number of convictions. As to the unpaid magistracy, they discharge their duties with an undisputed uprightness and ability. The substitution of stipendiaries for the unpaid magistrates would not lead to justice being better administered, probably the reverse, from the fact that no stranger could have the advantage the present justices have of local knowledge and experience. The idea of getting men from the Bar able to perform those duties for a few hundreds a year is a delusion; and if this were possible it would be unnecessary. There has been nothing more unfortunate than the outcry which is occasionally raised by writers in the newspapers, who give no reason for the opinions they so freely express as to the unpaid magistracy. Abolish them if you like; but if you do you will take out of English life one of its chief lights and greatest blessings, and substitute a system which, in every country in which it has been tried, has proved the reverse of beneficial.

Mr. Barwick Baker (Gloucester): I should like to see one great change made in the work of the quarter and petty sessions in this way—namely, the abolition of the distinction between felony and misdemeanours. It is quite possible there may be a case of manslaughter for which the prisoner would be sufficiently punished by a few weeks' imprisonment and there may be at the same time a case of assault worthy of an assize prosecution. A single justice should have power to try a case of stealing plants from a garden, but not, as now, in his own study, with no person to watch him, but publicly. A single justice ought to have the power under such circumstances to commit a person for six months. I would say that a single justice might try a case in which the sentence would not be more than three or four days, or a week. The petty sessions ought to try cases up to a month's imprisonment, or two months', if you like; but anything higher ought to be committed to the jurisdiction of the quarter sessions. It should not depend upon whether the offence is of any particular class. If a man deserves a heavy punishment, his offence is serious, call it by what name you will, and he ought to be tried before the more important tribunal. If the punishment is slight, the offence is slight, and it does require to be tried before the more important tribunal, whether it be larceny, or manslaughter, or being drunk and disorderly. As to the Chairman of quarter sessions, we have on the whole as good a body of men as Chairmen as can be found. There are two perfectly distinct duties put into the hands of one man. He is to be for his county Chancellor of the Exchequer and Lord Chancellor. Now, who would think of appointing the Lord Chancellor to be Chancellor of the Exchequer? You now require a man having great knowledge of land, and able to value land, and also able to conduct the legal business of the county. Much has been said about legal gentlemen. Well, I have a very high opinion of the Bar. I think that legal study is opening to the mind, but generally speaking the study of the law almost precludes a man from having experience of half a country gentleman's work. A great many simple country gentlemen do make extremely good managers of

the courts. In other cases it would of course be better to have men experienced in the law. A man as he comes from the Bar is not fitted for a country magistrate's work. When a man first goes to the Bar he practises a little in the Crown Court, and gets some knowledge of the criminal law; but after a few years, when he gets into work and practice, he never comes back into the Criminal Court. A legal training may fit a man to learn some things, but it does not fit him for a country magistrate's work, although he may learn it in time. What is required for that work is an accurate knowledge of the habits and feelings of the lower classes, and it is not difficult for a country gentleman to have with that the small amount of law that is required for the work. More is often done by the magistrate in settling cases than in trying them.

Mr. R. T. GURDON (Letton, Norfolk): I speak as a magistrate. A salary of 800*l.* a year has been mentioned for the stipendiary magistrates. That is far too low. It ought to be, for the class of men you require, double. I believe that the class of people who come before us consider the decisions arrived at fair and just. If that be the opinion of the country, what need is there of change? In the great towns a paid stipendiary is necessary. The work is heavy, and an unpaid magistrate could not attend to it. There is not the same need in the rural districts. There is no necessity for the alterations in quarter and petty sessions recommended by Mr. Baker. Some alterations are necessary. Quarter sessions are as competent to try a case of burglary as of housebreaking, a few minutes before or after nine p.m. making no difference in the enormity of the offence. I do not concur that cases of master and servant and cases under the Game Law should be taken from the magistrates. If this is conceded, it is admitted that the magistrates do not do their duty fairly. As to clerical magistrates, clergymen ought to be eligible, but the right of appointing them ought to be exercised sparingly. There are some districts in which if you do not put them on you must appoint a stipendiary. Many clergymen did their work well. The property qualification of unpaid magistrates should be abolished; it keeps out retired officers of the army and navy, men well fitted for the office by birth, education, and position. The appointment of such men would remove the appearance of a class system, because they are not employers of labour. With respect to Mr. Safford's observations in reference to magistrates' clerks being promoted to the magistracy, it is unobjectionable, provided the clerk retires from his position. We have a case in point in this county.

Mr. FRANK SAFFORD (London): Improvements might be effected in the present quarter sessions system. It has been objected against the county magistrates, and in favour of the appointment of stipendiaries, that the magistrates who have presided at the preliminary enquiry, and returned a case for trial from the petty sessions, and who may be prejudiced against the prisoner, may try the prisoner at quarter sessions. That objection might be met by the suggestion of Mr. Hastings, as to the formation of a committee out of the whole body of the magistrates of the county, as is the case under the New Licensing Act. As to a public prosecutor, if such an official be

appointed, he ought not to be allowed to conduct the prosecution, as his doing so would carry an unfair amount of weight against undefended prisoners, and might thus prejudice the administration of justice. Giving the power of prosecution to a single man would have a bad effect in this way also, that the presence of a number of members of the Bar in the court would be lost. The present system has a beneficial effect in bringing together a large number of young barristers. A single magistrate having the power of deciding on such cases as drunkenness, is objectionable. He may be deceived by the statement of a police constable, and his decision may work great injustice, more especially as there is no right of appeal against it.

Sir WILLOUGHBY JONES, Bart. (Norfolk): As to the observations of Mr. Herbert Safford, that I supported high fees. I supported fees as they stand now, which are not 9*s.* to 15*s.*, but are usually 8*s.* 6*d.* Where there is a witness or two they might be a little more, but 8*s.* 6*d.* is about the sum. They have the effect of preventing people running the risk of getting a light penalty, and the system works well. I approve of the payment of the magistrates' clerk by salary. Burglary should be included in the cases triable by quarter sessions. I am not, however, clear as to the desirability of restoring the old quorum. I concur as to the necessity of appointing a Chairman of petty sessions. I regard the alternative system as arising out of paltry jealousy, of which the magistrates as a body ought to be ashamed. As to Mr. Baker's suggestion for the abolition of distinction in crimes I do not concur. The proper penalty cannot be ascertained so as to determine the fit tribunal until the case has been tried. Such a system would have the effect of transforming the magistracy as nearly as possible into a Turkish cadi. I agree with Mr. F. Safford as to the public prosecutor appearing at sessions to prosecute. If he were allowed to do so we should have to bid good-bye to the Quarter Sessions Bar, and with them to much of the care and attention which now characterises the administration of justice.

The CHAIRMAN (Mr. O'Malley, Q.C.): I disagree with Sir W. Jones on the subject of game cases, and cases arising under the Masters and Servants' Act. Mr. Smythe has given a conclusive answer. I think it would be impossible to conceive a worse tribunal to deal with game cases than the county courts. We know all of us how county court judges are appointed, and that it is not always or principally that they are selected for their fitness to discharge the duties devolving on them. I quite admit that there are some very eminent men amongst them, as, for instance, Mr. Worlledge, the Judge of the Suffolk County Court, who would have adorned the highest judicial position; but many of them are not selected for their fitness. They have been failures at the Bar. The experience of Ireland shows that if you appoint stipendiaries, you destroy the magistracy of the country. To have the administration of justice wholly in the hands of the stipendiary would not be tolerated in this country; and to have him associated with and allowed to preside over the unpaid magistracy would have the same effect. It would lead to the Bench being left destitute. The result in Ireland is that the stipendiary is the petty sessions—the magistrates do not trouble them-

selves about it. As to clerical magistrates, I concur with Mr. Gurdon. I respect the clergy, but they are often impracticable men. They never have a reply upon their statements—they are in their parishes dictators—in their pulpits they can lay down anything, without fear of answer or comment. The compliments they receive make them insensible to the fact that there are two sides to a question, and it is next to impossible to deal with them on matters of business. Mr. Safford says the Bar is afraid of him. I do not know what he means by that. I belong to one of those bodies in whom is vested the power of admitting to the Bar, and of judging of the conduct of barristers at the Bar. It is a good rule by which we exclude magistrates' clerks. They can get rid of their clerkship if they wish, and then enter for the Bar, at one of the Inns of Court, and pursue the profession of the law; but to allow a gentleman to be preparing business for himself while he was in the position of a magistrates' clerk would, I think be to degrade the Bar, and lead to abuses which could not be tolerated. When I advocated the appointment of public prosecutors, I did not suggest that they should be allowed to come into court and carry on the prosecutions themselves. That does take place in Ireland, where barristers do not attend quarter sessions as a rule, but it could not take place in this country. I look upon a public prosecutor as one who should act, as the Solicitor to the Treasury does, in preparing prosecutions. The absence of the Bar from those courts would be injurious to the country. If not doing much business they are gathering experience, and I have heard Judges say that the presence of the Bar is the greatest security against their going astray. It is the greatest safeguard to the public that there should be persons of intelligence in court watching the proceedings with eagle eyes. With respect to the quorum, I do not think that it is now required any more than the licensed preachers now are that were wanted in the days following the Reformation. As to burglary it is a defect that that offence cannot be tried at quarter sessions. I rejoice that this Section has occupied its time with matters of such importance, and that they have been dealt with by men of such practical experience in the administration of the law. Although we may not be able to carry out reforms as some of the press seem to expect, it is, I think, of immense importance that subjects such as we have had before us should undergo investigation and discussion by those who are most conversant with them.

DISCIPLINE IN COUNTY AND BOROUGH GAOLS.*

What Improvements are Required in the System of Discipline in County and Borough Prisons? By JOHN A. BREMNER.

THE system of discipline pursued in the county and borough prisons of this country is in a transition state. As our laws have gradually lost somewhat of their Draconian element, so the "quality of mercy" has entered more and more into the

* See *Transactions*, 1870, p. 97, 226.

treatment of the criminal. The result justifies the wisdom of the change. Statistics show a diminution in the amount of crime. It can scarcely be said, however, that these reforms, so beneficially introduced into convict establishments, have yet reached the minor prisons of the country.

The animating spirit of this reformed criminal treatment is the sustaining of the feeling of hope in the mind of the prisoner, by which he is encouraged and led on in progressive stages of self-reform. These humane principles have recently received signal confirmation.

The International Penitentiary Congress of 1872 marks an era in criminal discipline. Enunciation was then given by the representatives of many civilised nations to certain main principles which must permeate all systems of prison discipline. These principles are, first, no doubt, the vindication of the law and the protection of society; but, second, that the moral regeneration of the prisoner should be the primary aim.

Such is the civilised world's estimate of what the treatment of the criminal should be; humanity, not retaliation, must be its quickening spirit. By this light the system pursued in the county and borough prisons of this country must be judged.

There are in England and Wales alone about 120 such minor gaols, capable of accommodating fully 27,000 prisoners; and at this moment a population of not less than 20,000 are lodged therein. In the year ending September 1872 a total of 158,141 persons were committed to these prisons; so that the management of these places of detention presents an important field of inquiry, affecting as it does so large a number of persons. The inquiry possesses a further interest in consequence of the great preponderance of cases of first offences which find their way into these gaols. A career of crime too often begins with the commission of some minor transgression. The impression made on the youthful aspirant to a life of crime during a first imprisonment, is calculated to produce a lasting reformation, if the discipline within the prison be mainly directed to this end.

The aim and character of prison discipline having thus been briefly stated, the attempt will now be made to show, in the first place, in what respect the practice in these local prisons fails to realise this required standard; next, to examine the causes which lead to this failure; lastly, to endeavour to indicate the necessary reforms.

Prison Legislation.—At the outset, let it be frankly admitted that county and borough prisons labour under special disadvantages. Successful administration is seriously impeded

by the great number of short-term prisoners lodged therein; and further, the hands of the managers are unwisely fettered by prison legislation. Convict prisons, from their greater size, longer terms of imprisonment, larger number of prisoners, and consequently greater facilities for classification, are much more favourably situated. But whether long or short sentences, the general principles of the treatment of the criminal, under wise management, must be very much the same in all prisons.

The latest legislation on this subject is the Prisons Act of 1865.

During the period immediately preceding the passing of this Act, the country had lapsed into a somewhat nerveless state in this matter. There was danger, from laxity of treatment, of our criminals being petted. Prior to 1865 "penal labour" was rarely carried out. Idle vagabonds prowling through the country actually committed crimes in order to find comfortable winter quarters. This was intolerable, and led to a revulsion of feeling in the country. Public opinion, as regards the criminal, was now in a repressive mood, which found expression in the Prisons Act (1865). So strong was the determination to punish and repress, that Parliament, in its anxiety to secure a first stage of "penal labour," overlooked the mine of wealth, financial and moral, lying in productive prison industry. In framing the measure of that period, useful prison employment was almost unrecognised; the most that can be said is, it was not prohibited. Indeed, scarcely so much, for the Act requires all prisoners to be kept at "penal labour" for a period of three months, thus virtually debarring gaol managers from profitably utilising the labour of more than one-half the prison population. Hence heavy and needless burdens are laid on the taxpayer in the support of the criminal; who, under a better system, could and ought to be made to support himself.

Industrial Prison Labour.—One result of the Prisons Act is, that productive industry is developed in comparatively few prisons, and, in those few, with but little uniformity.

Now a prison system without industrial labour is the arch without the keystone. Productive industry is the pivot on which the whole administration turns. It stands next to religious agency in moral influence. As a means of economy, it is the only machinery by which to recoup the taxpayer, and make costly felons pay back some portion of the debt which they owe to society. It is the school in which criminals learn lessons of industry, to take to heart, and apply when set at liberty. It is the great moral motive power in a gaol—for

indolence is the parent of crime, and work and industry are the abhorrence of the confirmed criminal—more distasteful to him than the lash. While judiciously applied, remunerative labour becomes the ambition and the reward of such prisoners as are desirous to reform. In a word, industrial labour is the right arm of the prison administrator.

But though gaol managers are thus "sore let and hindered" by the law, the stern penal provisions of the Act fail to secure uniformity. Though a hard and fast line of penal discipline is attempted to be drawn, large discretionary powers are entrusted to those who control the prison. The severity of discipline practically depends on the disposition of the governor and the visiting justices. Thus we have almost as many "systems" as there are gaols. What follows? "Hard labour" means very different things in different prisons. In one, with a governor a stern disciplinarian, the painful spectacle is presented of men straining and bowing to the earth, under that objectless labour, shot-drill. In another, where the thermometer of the management indicates a higher degree of intelligence and humanity, such degrading labour is unknown. Every effort is made to wring from the Act its every drop of merciful and enlightened discipline, and heavy task-work is substituted for shot-drill and such like.

No greater uniformity exists in the adoption of that chief engine of penal labour, the treadwheel. In the prisons of England, this instrument has come to be recognised as a necessary institution; whereas, in Scotland it is unknown. It is defended mainly on the ground, that without it "hard labour" cannot be inflicted on short-sentence offenders. Surely this is an apology for, rather than a justification of, its continuance. There is, however, a feeling of growing disfavour to the treadwheel, led on by the opinion of several of our more enlightened governors, by whom it is condemned, (1) as degrading, (2) as falling unequally, being often shirked by the practised gaol-bird, and (3) as occasionally resulting in serious accidents to nervous or weakly prisoners.*

It may here be mentioned that the useful employment

* Accident to a Prisoner in Coldbath-fields.—On Saturday a prisoner in the House of Correction, undergoing a sentence of fourteen days' imprisonment was working on the treadwheel, when he cried out that his legs were broken. The whole of the prisoners, about 100 in number, were immediately called off and the wheel stopped, when it was found that, either from accident or design, his legs had somehow got entangled in the machinery, and that both were broken. He was immediately picked up and taken to the infirmary, where he was attended by Dr. Smiles, the prison surgeon. Great alarm was at once created amongst 300 prisoners at work on the wheels, but order was quickly restored.—*Clerkenwell News*, London, April 24, 1872.

of short-sentence prisoners, without a knowledge of any trade or craft, would be facilitated by the acquiring of land contiguous to the prison—to be cultivated. This would supply a simple "labour-test," as is done in many Poor Law unions.

To return to the original point, it may be fairly assumed that the Legislature never intended that profitless "penal labour" should predominate almost to the exclusion of healthy industry. Nor was it really contemplated that prisoners should be kept (as in many cases they have been), during a long period of imprisonment, at such labour as shot-drill. The error has been, that the law has permitted too great latitude to gaol managers, whose knowledge of prison administration amounts to little more than a crude conception of stern repression; while the efforts of more capable governors to conduct their establishments on principles of sound economy and practical philanthropy are met by legal restrictions at every step.

Further—this diversity of management yields financial results correspondingly diverse. The more humane and enlightened governors of prisons, painfully conscious of the sore defects of the Prisons Act, have, much to their credit, strained every nerve to overcome these legislative obstacles. In such gaols vigorous and ingenious schemes have been devised to employ the prison population in remunerative industry, and with gratifying success. It may, however, be said that this has been done in spite of, rather than by the aid of, the law; while the success of such experiments has only served to bring into stronger light the practical defects of recent prison legislation. Making every allowance for differences of local circumstances—which it is always necessary to do—the contrasts of energy and apathy of management—of waste and economy—which the finances of the various gaols present, is a satire on the whole system. Each governor carries out his own pet ideas of management, and there is about as much harmony or cohesion in the whole as in a band of musicians, in defiance of the laws of harmony, all playing different tunes in hideous concert.

The cost of maintaining these local prisons (in England and Wales) amounted, in the year 1871 to 1872, to about 623,000*l.* Towards this, the earnings of prisoners therein contributed about 47,000*l.*, or equal to about seven per cent. Yet, in certain well-administered gaols, the earnings of prisoners go far to render the establishments self-supporting. In some these earnings amount to 30 or 40, and even 50 per

cent. of the cost of maintenance. It may, then, be asked, why is not a like economical policy pursued in all prisons so far as special local circumstances permit? Why this idle waste of public money?—this addition to the heavy domestic bills of the family of the English nation, merely to support in enforced idleness the black sheep of the family? Why should not this 623,000*l.*, the heavy burden of maintaining these penal establishments, be lightened by 100,000*l.* or 200,000*l.*? So long as bad legislation and incompetent management exist, there can be no hope of amendment.

The bright side to this picture is the energy and ingenuity with which the governors of certain gaols have contrived (clogged and hampered though they are by the Prisons Act) to wring remunerative labour out of their prisoners, and to present, triumphantly, a balance-sheet of economical and financial success. Among such may be instanced Coldbathfields, Durham County, Wakefield, Devonport, Bedford, Preston, Liverpool, and last, but not least, Salford Prison, and many others.

Liverpool Borough Prison is an unique example. There the visiting justices and the governor have carried out the law by evading it—and small blame to them. If I read aright the detailed regulations in this gaol, prisoners *after two months* are applied to profitable industry, whereas the limit of the Act is three months. This is approved of by H.M.'s Inspector of Prisons, who is thus, much to his credit, a party to this justifiable fraud on the Legislature. In addition to this, the Crofton progressive system is adopted, giving marks for good conduct. The effect has been to reduce the number of prison offences from 5,400 in the year 1866, to 1,935 in the year 1871.

At the last annual Lancashire sessions (1872) the discrepancies in the amount of prisoners' earnings in four Lancashire gaols came up for discussion. The figures are worth recording, bearing in mind that all four prisons are situated in the same industrial county:

Prison	Yearly cost per prisoner			Yearly earnings per prisoner			Net cost per annum		
	£	s.	d.	£	s.	d.	£	s.	d.
Kirkdale	23	0	2	2	1	11	20	18	3
Lancaster	30	1	6	4	5	0	15	15	6
Preston	19	2	2	7	14	2	11	6	0
Salford	18	0	1	8	2	11	9	17	2

It will be observed that the net cost of each prisoner at Kirkdale is double that at Salford. Why? The earnings per prisoner at Salford are 8*l.* 2*s.* 11*d.*, while at Kirkdale they are

only 2*l.* 1*s.* 11*d.* Nothing could more strikingly illustrate the value of utilising the labour of prisoners in remunerative employment. Lord Derby, who presided, desired to know how Salford prison returned such a high rate of productive labour. A magistrate present (Rev. R. Birley) furnished a ready answer: "As it was the schoolmaster who made the school, so it was generally the best governor who made the best gaol." With such facts before us, we may read with less surprise the startling statement in the judicial statistics for the past year, that the

	£	s.	d.
Lowest cost, per head, in any prison, is .	16	19	1
Highest " " . .	124	13	3

PRISON LABOUR AND RE-COMMITMENTS TO PRISON.—Productive prison labour has its reformatory victories as well as financial, and pays high moral dividends. There is evidently some relation between the amount of industrial labour and the recommitments to any prison. Mistaken reliance may, however, be placed on such statistics, unless care is taken that the prisons compared are in similar localities. Taking again the four Lancashire gaols already referred to, it is indeed an instructive fact, that the larger the amount per head of prisoners' earnings, the less the percentage of re-commitments—as shown in the following statement:—

Prison	Prisoners' earnings per head	Percentage of re-commitments
Salford . . .	£8 2 11 . .	15·2 per cent.
Preston . . .	7 4 2 . .	29 "
Lancaster . . .	4 5 0 . .	31 "
Kirkdale . . .	1 1 11 . .	41 "

Did time permit, it would also be possible to show that in the same prison, as year by year remunerative labour is more cultivated, the numbers of re-commitments to that prison go down.

Thus, productive industry—the main engine of economy, a deterrent and a moral reformer all in one—is gradually superseding and elbowing out old-fashioned appliances for physical punishment and penal labour. A new experience is growing up, which, though at present only the small cloud betokening the coming downpour, will certainly expand, until the public mind is saturated therewith. The magic words, "Prison profits," are already catching the ear of the ratepayer, who will not be slow to demand the speedy removal of existing legislative obstacles to prison economy.

Where is this to stop? Is there any finality in such progress, or can it be said at what point the mysterious depths of the phenomena of criminal treatment have been plumbed? Imagination regards with horror the instruments of torture exhibited in our capital as relics of a barbarous age. Who can say but in a few years our present punitive appliances may in like manner be esteemed to be symbols of barbarism, leaving industrial labour sole arbitress of the system?

It may, in passing, be noted that the value of the numbers of re-commitments to a prison depends very much on the manner in which such statistics are obtained. A suspicion has arisen that in some prisons the subordinate officers have treacherous memories, failing, from some unexplained cause, to recognise prisoners on return to gaol. The remedy is, for all prisoners to be carefully photographed, forming an interesting gallery of portraits of the predatory tribes for future reference.

It is only necessary to refer to a charge brought against productive industry in prisons, in order to dismiss it: namely, that the gains of legitimate industrial employment out of doors are thereby interfered with. The answer is, that the interests of the general tax-paying community are supreme, and demand the adoption of that system which will best conduce to economy of prison management, and the reformation of the criminal.

Corporal Punishment for Prison Offences.—Turning to corporal punishment for offences against prison discipline, I venture to differ from two such high authorities as Sir Walter Crofton and Mr. G. W. Hastings. In their judgment the law has sufficiently guarded the infliction of the lash from abuse. Many dispute the deterrent value of this instrument. Upon that I do not enter. But even its advocates rest its value rather in the knowledge which prisoners possess, that the power to flog exists, than in the punishment itself. My contention, however, is—having regard to the severe and even terrible nature of the punishment—that it is undesirable that any one visiting justice, "or any other justice having jurisdiction in the place," should have power to order the lash whenever he and the governor only may deem fit (subject, of course to the sanction of the surgeon).

According to the Prisons Act, 1865 (sec. 58, schedule 1), it is not provided as indispensable that this one magistrate shall be even a visiting justice. As some difference of opinion prevails on the point, the clause of the Act, referring to the punishment of prisoners for prison offences, is here given in full:—

Section 58, schedule 1.—"If any criminal prisoner is guilty of repeated offences against prison discipline—or is guilty of any offence against prison discipline, which the gaoler is not by this Act empowered to punish—the gaoler shall report the same to the visiting justices, or one of them; and *any one of such justices or any other justice having jurisdiction in the place* to which the prison belongs, shall have power to enquire upon oath, and to determine concerning any matter so reported to him, and to order the offender to be punished by confinement in a punishment cell for any term not exceeding one month; or in the case of prisoners convicted of felony, or sentenced to hard labour, by personal correction."

It is surely clear, from this extract from the Prisons Act, that the power to inflict the lash is vested in any one visiting justice, "*or any other justice having jurisdiction in the place.*" Thus a young or inexperienced magistrate may be called upon—and such examples have occurred—to adjudicate in these painful cases, which really demand judicial qualities of no common order. It should be remembered that offenders sentenced to but short terms of imprisonment, if with "hard labour," on entering gaol become amenable to laws of extreme severity. Let it be conceded as a necessity that defiance of authority or persistent outraging of prison discipline require prompt and exemplary repression. But how different the tribunals before which the offender prior to imprisonment is tried and that within the gaol! The publicity of an open court of justice, presided over by a judge of judicial training, with the further precaution of "twelve impartial jurymen," are a guarantee of a just decision. But the prisoner, sentenced by such a court to a term of imprisonment, however short, if with "hard labour," may, on entering his cell, have the sentence of the garroter added to his original award—and that at the dictum of only one magistrate—in an inner room of the prison, in the presence only of two or three other persons. It will no doubt be urged that the Act requires a record of all such punishments to be entered in a "punishment book," which is open to the inspection of the general body of justices. Further, that certain magisterial benches require cases for corporal punishment to be heard before a quorum of visiting justices; while in other districts the entire body of visiting justices are summoned for such purpose. But the point to be observed is, that this is not required by law; and that in certain prisons cases for the lash are decided by only one justice, and he not even a visiting justice. Is it right that this fearful power over a fellow-creature should be in the hands of one individual, be he who he may? That abuse exists seems clear from the inequalities of this punishment in various prisons, as seen in the following statement:—

Prison	No. of prisoners admitted during the year	No of cases of the lash during 1871 to 1872
York	450	4
Wakefield	7,620	3
Kingston-upon-Hull	1,581	2
Leeds	2,754	2
Liverpool	13,723	3
Stafford	4,225	3
Worcester	—	0
Knutsford	1,915	0
Kirkdale	2,798	0
Gloucester	—	0
A large prison in Northern district	8,253	22
Another such prison in Northern district	6,904	24

It is noteworthy that the 46 cases in the two last-named prisons in the Northern district make up nearly one-third of the entire cases of flogging during the year in all the prisons in England and Wales.

TRAINING OF GOVERNORS.—It has become an axiom in prison administration, that as is the governor so is the prison. Yet, though so much is left by the Legislature to the administrative ability of the chief officer, the Prisons Act is silent as to his qualifications. His duties are defined, but not his fitness. By a fortunate accident the country possesses a certain number of able gaol administrators, from which may be learned how great would be the gain were all the prisons efficiently officered. It is hardly fair, as some do, to blame the justices for bad appointments. As the Legislature has taken no pains to provide capable candidates, the magistrates can only choose from the material before them. We are all familiar with the mode of procedure. When a vacant governorship is to be filled up, an active canvass is set on foot by the friends of the various candidates, and influence or good connections among the justices is known to form no small ground of success. With such elements, and in the absence of any required legal test of fitness or capacity, it is not surprising if the best selection is not always made. The principle should be laid down that special training is indispensable. The Congress of Cincinnati do not over-estimate this in the following words: "Special training, as well as high qualities of head and heart, are required to make a good prison officer. The administration of public punishment will not become scientific, uniform, and successful, until it is raised to the dignity of a profession."

Now, the majority of governors of prisons in this country are taken from the class of retired officers of the army. What can the military mind know of the science of criminal treatment?

It is an error to suppose that military discipline and prison discipline are at all synonymous. The precision and routine of the former have little relation to the varied phases of criminal life. Criminals are not to be controlled, as are the well-trained atoms of an army, at the word of command. The criminal is subtle and yet impulsive, and his subjugation and control constitute a science, based on a study of the phenomena of crime and the habits of criminals, and this not so much in the military school as in that of practical philanthropy.

From this point of view few indeed of the managers of prisons are prepared for their peculiar sphere. The professor of medicine, the schoolmaster, the lawyer, all acquire their art before practising it; many prison managers, however, only begin to learn their business at the time of their appointment.

It may, then, be asked, Can any more severe criticism be passed on a system than this, that by law persons wholly untrained have interests so grave, so peculiar, and so delicate placed at their almost entire disposal? It is one of the anomalies of this system that persons destitute of legal guarantee of capacity are permitted to rule over several hundreds of their fellow-creatures with comparatively absolute sway. And surely it is monstrous that such persons, chiefly in consequence of a perverse rendering of the law, should from year to year continue to enhance so largely the cost of crime to the country.

The present functions of visiting justices are clearly no adequate remedy. The office of visiting justice, however honourable, is no guarantee for any knowledge of prison discipline. Comparatively few apply themselves in earnest to the study of prison management; and, even by those who do, the old lights and the old system are for the most part pursued. In the majority of cases the governor is master of the situation. Nor can it reasonably be expected that H.M.'s inspectors —being only two persons to supervise 200 gaols—can be in any way responsible. It is to be seen from the few well-administered prisons—where capable governors are supported by zealous and enlightened visiting justices—where the remedy is to be looked for. The remedy is to provide scientifically-trained prison officers. A normal school should be formed in connection with the large convict establishments. There persons desirous of embracing gaol administration as a profession should be required to graduate. From this instructed class, and from no other, the prisons of the country should be officered.

Short-sentence Prisoners.—Impressed with the administrative and moral evils of repeated short sentences of im—

prisonment, certain benches of magistrates have memorialised the Home Office, urging the adoption of the principle of cumulative punishment. One effect of this, no doubt, would be to relieve prisons of the continuous stream of three, seven, and fourteen days offenders, who at present only add to the cost and responsibility of the management. But the inquiry must go further. The real question is, Should the majority of these cases of minor offences go to prison at all? Where is the justice or wisdom of consigning persons guilty of mere vices or misdemeanors—not crimes—to the abode of the hardened felon? In the majority of such cases a fine is imposed, failing payment of which, imprisonment. What is this but a punishment against an empty pocket—for he who pays goes free? Persons charged with some act of indiscretion; sadder still, children of tender years, guilty of the offences of childhood, and their parents unable to pay the demands of the court, are thrust into the common prison. Fathers of families—the bread-winners—are deprived of their liberty, which means the family's support; and thus the innocent wife and children are punished. A prison is not the place for such at all. The remedy is, the establishment of industrial homes in each county or borough for the reception of these minor delinquents. These should be fitted up with appliances for carrying on various trades, &c., suitable occupation being provided for women. The test of a right to eat should be the performance of a task of work. The length of detention would depend upon each prisoner's industry—for the sentence would be *a certain value of work to be performed*—not a period of time wasted in gaol. The earnings of each prisoner would be placed to his credit, and a portion devoted to his family out of doors. The loss of liberty would continue until the cost to which the prisoner had put the county or borough, in addition to the fine, had been worked out. The relief which would thus be given to the various prisons may be estimated from the fact that, of about 6,600 prisoners committed to Salford gaol, fully 4,000 were for short terms less than a month. A further advantage would be, that persons guilty of these minor offences, but of otherwise decent position, would be spared the stigma of association with the common felon. Lastly, such industrial places of confinement, from their very principle, should be almost, if not entirely, self-supporting, and thus no additional burden to the locality.

On the subject of Children in Prison, language fails to give expression to the feelings called forth by the spectacle. Not one sound argument can be adduced to justify this contamination of the young mind with criminal associations—a

thousand start up to condemn the practice. The recognition and partial support by the State of reformatories and industrial schools, during the past twenty years, are in themselves not only a condemnation of the practice of committing juvenile offenders to prison, but a tacit avowal on the part of society at large that the erring child has a moral right to be educated and trained before being held to be a responsible being. Yet, during the year 1871 to 1872, 9,363 children under 16 years of age were committed to county and borough prisons, of whom 1,562 were under twelve years of age. Nothing can better convey the relation in which society stands towards ignorant, neglected, and criminal children than Miss Carpenter's tersely eloquent expression. Being asked, "Do you not consider that children owe retribution to society?" she answered, "Society owes retribution to them." When it is remembered that the majority of these children are lodged in prison for the trivial offences of childhood, society indeed owes heavy retribution to such. Contrast this with the practice in Germany. In that country no criminality is attached to any act of a child under twelve years of age; and even during the ages from twelve to eighteen the Court is bound either to return the young delinquent to his family for punishment, or to transfer him to some educational or reformatory institution. This, however, is not a penal order—not a "first conviction"—in other words, the young offender is *not a criminal.*

Cannot England do the same?

Discharged Prisoners.—Whatever the differences of opinion as to discipline within the gaol, when the prison-door is thrown open every effort should be made to restore the liberated captive to a life of honesty. The stain of imprisonment is a hindrance to honourable employment, and society, for its protection, has inflicted that stain. Under such circumstances—without assistance and direction—what option remains to a liberated criminal save to return to vicious ways?

Further, the sudden transition from the discipline and seclusion of prison-life is of itself a terrible temptation. Some plan of gradual release should be devised, so that prisoners may by degrees, as it were, get their eyes accustomed to the light.

Discharged prisoners' aid societies have attempted to supply this want. The success of the London society, with 5 or 6 per cent. of relapses, and of the Manchester society (founded by Mr. Alfred Aspland, whose labours to improve the condition of the criminal do him honour), showing only 8 per cent. doing badly, is evidence of what can be done in this

direction. Lord Aberdare also attributed, at the Penitentiary Congress, much of the decrease in crime to these excellent societies.

The time has, then, surely arrived for the State to definitely recognise the case of the criminal on release from prison, as are the two preceding stages of trial and imprisonment. The following conditions should be required:—

1. That every prison should be in hearty association with some prisoners' aid society.

2. That the officers of such societies shall have all reasonable access to the gaols, so that all prisoners are informed, on entering their cell, that the way to amendment of life is open. Hope will thus be kept alive, which is a great reformer, whereas despair makes hardened criminals.

3. Lastly, more liberal money grants from Government to these societies.

The propriety of forming industrial homes contiguous to the prison, for the temporary reception of prisoners on their liberation, may well receive attention. Captain Armitage (of Wakefield prison) has established such an institution there with marked success.

FEMALE PRISONERS.—All the above arguments apply with even greater force to female criminals. Fortunately, their numbers are less than half those of males, and, to the honour of the sex, not one criminal woman of "superior instruction" appears among recent statistics. The fatal perversity of women in a life of crime, when having once entered on it, renders their case a source of anxious solicitude, and demands the highest philanthropy and the most devoted sympathy.* These figures contribute a mournful confirmation of the extreme difficulty of reforming a once fallen woman. The numbers of women re-committed *only once* are but one-third of the numbers of the men—there being about fifteen men to five women. But, under the head of those re-committed *above ten times*, there are four females to two males.

---

* There is a sad significance in the following comparative statement of re-committals to prison of both sexes:—

Of 20,925 prisoners *re-committed once*, the proportions were—	
Males	15,338
Females	5,587
Of 6,445 prisoners *re-committed above ten times*, the proportions were—	
Males	2,321
Females	4,124

For obvious reasons women are not so amenable to discipline as men are. Suitable employment is also less obtainable in prison, especially in Lancashire, where so many female factory operatives find their way to prison.

At the Penitentiary Congress of 1872, Miss Carpenter's suggestion was heartily approved, that women of education, sound judgment, and philanthropic purpose should have an official permit to enter prisons, in order to visit female criminals. None can gainsay the view, that woman's reformation is woman's work. And as the ordinary treatment in county and borough prisons of female offenders yields such slender moral results, this proposed introduction of discreet and earnest lady-visitors should be welcomed as a valuable contingent in the administration of this delicate department of prison duty.* Moreover, the benefit and advantage of such female visitation has already been proved by the increased good order of certain prisons where the plan has been adopted, followed by a greater proportion of females eventually reclaimed to virtue and honesty. To accomplish a real reformation, we may here note the paramount importance of these benevolent ladies not being content with merely visiting the prisons. The female prisoner must be followed up after her discharge. Indeed, all the sympathy and counsel given during imprisonment are as nothing, unless these are continued at that most perilous and trying moment, when liberty is recovered. Successful treatment of female criminals also largely depends on the tone and disposition of female prison officers. Harshness and impatience—the two frequent characteristics of an ill-trained officer—are only calculated to aggravate violence and insubordination. Despair and hopelessness fill the minds of most criminal women; the antidote to which is the feeling of hope—the first necessary step to amendment of life. Were all female prison officers really imbued with sympathy for the fallen creatures under their charge, and were they trained, as a part of their profession, to endeavour to assume a hopeful manner in their general treatment, much of the scandal would be spared of criminal women who, in desperate violence, set at defiance the whole gaol authorities. All these painful features are further arguments for the introduction of duly-appointed lady-visitors to the work of visitation. Such suggestions find, indeed, appropriate mention in the city of Norwich, a locality where the names of Fry and Buxton are as "household words" in works of charity and mercy.

To sum up. The general system of discipline in county

* It is beyond the strength of only one or two chaplains to adequately minister to the moral needs of several hundred prisoners. In some American and Dutch gaols the plan of unpaid voluntary male and female visitants has been adopted with the happiest results. The order, discipline, and general tone of the prisons have thereby improved, and the duties, not only of the chaplain, but also of the governor and his subordinates have been relieved.

and borough prisons having now been frankly, we hope not too freely criticised, it only remains to point the moral. A detailed recapitulation of the points raised is superfluous. The two leading features arresting attention are—

(1) The inequalities of penal discipline in the various gaols.

(2) The waste of public money arising from the neglect of profitable prison industry, by which the cost of crime is seriously and needlessly enhanced.

Urgent as is reform, every step must be cautiously taken, guided by the light of experience. Meanwhile, we venture to suggest to the Council of this Association that sufficient evidence already exists to justify a representation to Her Majesty's Government, with a view to the issuing of a Royal Commission to inquire into the general management of these local prisons. Of the result of such a Commission we can entertain no doubt. It can only point to one conclusion, namely, that the government of the prisons of the country be constituted a distinct department of the Home Office, at the head of which shall be placed a "Director of Prisons," to control and regulate the entire system. Only in this way, in our judgment, can escape be found from the present labyrinth of violent if not scandalous contrasts of discipline. Some objection is raised that this would lead to an inelastic system, inapplicable to the varied requirements of different localities. Rightly understood, the change would have the opposite effect. It would break down inelastic obstinacy and incapacity wherever it may now exist, and would judiciously adapt prison machinery to the special industry or labour of each district. The visiting justices would retain their functions, and would lose none of their *prestige*. Experience has shown to what, in many instances, local action left to itself has brought us; simply inaction and stagnation. This would be effectually remedied.

Conclusion.—At the opening of this Paper it was stated that the system of discipline of these local prisons is in a transition state. The system is destined to change; nay, is already changing; for the spirit of inquiry, the swift Mercury of reform, is abroad. Enamoured as we still seem of our treadwheel, shot-drill, and similar appliances, some of us at least are begining to regard them as symbols of a departing principle, which principle, Retaliation, whenever it quits, must take along with it its own natural instruments.

Be this as it may, one pregnant fact is coming to the front, that labour in prison is no less valuable to the community than labour out of doors, and that the cost of crime may be largely

reduced by the practical recognition and adoption of productive industry among the prison population. The public mind is not slow to learn, especially by its own blunders; and it may with certainty be forecast that the taxpayers of the country, with an appreciation of the value of prison industry, will demand that these establishments be made more self-supporting. What then? Economy and philanthropy will go hand in hand. Should the general adoption of remunerative industry in the prisons demonstrate the superfluous nature of penal machinery, the country will cheerfully abandon these practices for ever.

DISCUSSION.

Mr. G. W. Hastings: Mr. Bremner produced some valuable statistics from prisons where a large amount of industrial labour is enforced, and quoted figures to show that in those prisons the percentage of recommitments is very small as compared with others. Now, I do not think that the facts warrant the *post hoc propter hoc* that the one fact is the consequence and effect of the other. There are prisons in which the system of industrial labour is not adopted so much as I think it ought to be, but in which there is a great decrease in the number of recommitments. Facts, which are better than theory, show that this diminution, in which we all rejoice and which is progressing, is owing to other causes than industrial labour—causes outside our prisons. I am not an advocate of the treadmill as a desirable mode of punishment, but I only approve of this system of industrial labour as an experiment. I foresee difficulties in its adoption in county gaols. It seems impossible to make a man whom you send to gaol for ten days earn his subsistence by labour. He can be taught no industrial occupation in ten days. If you cannot make such a man support himself, the question is whether it is not better in the interests of the community to give him occupation which shall be so distasteful to him—remunerative or not—that he will avoid prison in future. That is really the question with respect to all first commitments also. It is not what use you can make of the man when in gaol; not whether by giving him this or that occupation you give him a better chance on leaving the gaol; but the question is—how can he be so treated that he will not return? The plan effecting this is best, because effectually diminishing the prison population. A system which gives a man on his first conviction occupation at all agreeable is least likely to deter him from returning. It is best so to impress him that he will say, "This prison is such a horrible place that I will never return to it." This is the most merciful course. A criminal career may be thus stopped. On the other hand, by giving prisoners profitable occupation they may have a tendency to return. The impression may be, "Prison is an unfortunate place, but not so bad after all. I have a very comfortable cell, not such bad diet, and the occupation is not a bit worse than, if so bad

as, outside." Such a conviction, unless counteracted by moral principle, will cause a return to prison. We must consider, may not industrial employment be pushed too far, with regard to the object of diminishing criminality in this country. As to corporal punishment in gaols Mr. Bremner has quoted some interesting statistics. In the Worcestershire gaol no lash has been inflicted for several years past. I have ordered boys to be punished moderately, but as to grown men, I shrink from the lash. But on the other hand I know as a fact that it is only the knowledge they can be flogged that keeps some prisoners in order. I have known cases of men coming in violent and insubordinate. They have been punished with low diet and dark cell, but all to no purpose. The visiting justices have seen the man, and told him that though disinclined to flog, yet if he continues his misconduct they must flog. The man will then become quiet and subordinate. Humanity has two sides,—humanity to the prisoners and humanity to those having the care of them. If prisoners knew that they could not be flogged, prison officials would often be badly assaulted. As to the management of female prisoners, it is a difficult subject. It gives me more anxiety than any other prison matter. It is very difficult to find hard labour for them. There is none. The only labour which they can be put to is that which they would do at home. They sweep out their cells and do needlework. Many of them are more comfortable in prison than out of it. They meet with kindness, and there is very little that is deterrent in their prison life. Recently, a girl of fifteen set the whole of our prison authorities—including the visiting justices—at defiance. She rang up the warder at all hours, turned on the water-tap and flooded her cell, tore up her clothes, flinging everything about that she could lay her hands on, and did everything but use foul language. Light punishment was tried without effect. I was sent for. I asked her if she would behave properly. She would not answer me. I directed that her hands should be put behind her and heavy irons should be put on. Twenty-one hours after this she promised to behave well. The irons were taken off, and she did behave well. This was severe, but I always say that if a woman chooses to commit crime and is imprisoned, our first duty is to keep her in order. In their case the same physical coercion as in the case of men is impossible, but they can and must be punished enough to compel obedience. Much good may be done by ladies visiting female prisoners, but unless a certain number of ladies are appointed to do so, an influx of persons who, perhaps, would not exercise the necessary judgment would offer themselves. The proposal of Mr. Bremner for a Royal Commission is one in which I concur. I urged this on Lord Aberdare in the autumn of last year. A full and impartial inquiry would give the public information which would lead to beneficial reforms. I differ from the recommendation of one central authority to manage our prisons. The improvement effected in prison management and discipline is owing to the variety of treatment prevailing in prisons. Visiting justices may make mistakes, but our prisons are now better managed than they would be under any stereotyped system of administration.

Mr. Barwick Baker (Gloucester): It is highly desirable that every

prisoner should maintain himself, and earn as much more as he can. I have not, however, after trying many plans during the 45 years I have been a magistrate, been able to find out how to do it. It is possible if land is attached to the prison, but a high wall round the land would be necessary, and the cost of the wall would absorb the receipts of the farm. Another objection is this, that a strong feeling has prevailed in the English mind for some time that prisons should be conducted on the separate system. Separation should not be so rigidly enforced as at present. Since I have conferred with M. De Lange, the head of the prisons in Saxony, I am more convinced that whilst in imprisonment for short periods the separation should be strictly observed, yet that in long sentences it should be gradually relaxed. I have had considerable experience of the working of prisoners on land—I mean in a Reformatory—and if it could be carried out, I should be most happy to see it adopted in the case of adults, but then it must be in a separate place from the regular purlieus of the gaol. The case of Devonport shows how cautious we must be with respect to statistics. I was there last year, and was told that no poor-rate was needed for the gaol,—that it was self-supporting. On inquiry I found that three-fourths of the prisoners were soldiers or sailors, generally imprisoned for some act of insubordination. Soldiers and sailors are usually very handy men—able to do anything—and a considerable sum is gained by their work. But I also found that the Government allowed 7*s.* a week for the support of each sailor and soldier in the gaol, which, with the prisoners' earnings, supported the gaol very tolerably. Again, Wakefield is a prison where the earnings are very high. Nearly every man in the neighbourhood of Wakefield or Halifax has worked in a mill. They are adapted to mill-work, which can be carried on in the cells, so that there is a greater facility for carrying out the system than elsewhere. This shows that we must not expect the same results in all gaols. Mr. Bremner has mentioned that the lowest cost of prisoners per head is 17*l.*, while in one prison it reaches 124*l.* Many prisons ought to be done away with. In Gloucestershire in 1844 we had seven gaols with room for 860 prisoners; now we have one gaol and 162 prisoners instead of 860. The prison in which the cost is 124*l.* must be one in which the staff is kept up, and it is, as I said, desirable to do away with such gaols. The training of prison officers has been much discussed. It is well to promote prison officials, but the head of the prison should be a man of enlarged mind. He should have a higher education than a promoted prison officer would have. Prisoners before trial must necessarily be detained if they cannot find bail, and a large number cannot. It is painful, because a considerable number of those so detained are innocent, and yet they may be in prison for a considerable time awaiting their trial. Some nominal difference may be made in their condition and that of convicted prisoners, which might have a considerable effect upon their feelings. To put into the cell instead of a stool a comfortable chair, and also a good allowance of books, would be something. They might be allowed to work as much as possible on their own account so as to help to support their families whilst they are in gaol. They

might be allowed to improve their own food by their labour, and a different part of the prison might be set aside for them. There is nothing more valuable in prison discipline than the mark system. Let a man know that continued good conduct will enable him to raise himself and to purchase some relaxation of his punishment, and the effect must be beneficial. I have used the system for many years in my Reformatory, and I find the greatest benefit from it. If I tell a boy that good conduct will enable him to shorten his five years by eighteen months, it has very little effect upon him. He cannot look forward so far—but if I tell him that at the end of a month good conduct will get him into a better class, and so on, month after month, he can look forward, and the good effect is immediately seen. I have asked boys who were working for me in my garden, "Shall I give you a shilling or have it put on your good conduct books?" and they invariably replied in favour of the latter, because it makes them get forward into the highest class, and that class enables them to obtain what used to be called a ticket-of-leave, that is to say, a license to go to work. I hope to see the mark system carried out in our prisons speedily and universally.

Mr. Arthur Sperling (St. Ives): The great number of small prisons interfere with gaol discipline, and local burdens are increased. I hope the subject will receive the investigation to which its importance entitles it at the hand of a Royal Commission. It is difficult to find work for prisoners in a small prison, because you may have as many trades as there are prisoners, and a separate inspector for each. The system recommended is therefore impracticable in a small prison. The treadmill or the picking of oakum, the scutching of flax or the making of cocoa mats, are alone practicable. Prisoners have very different abilities and dispositions in doing the work. As a guardian of the poor I frequently visit the vagrant ward, and I find that the old tramp takes the work very easily, while the respectable workman does it very differently. In the gaol of which I am a visiting justice (Cambridge), we find washing effective employment for women. Formerly they were associated, and the most turbulent of them preferred the gaol to the workhouse. Now, because they are in separate cells, where the work can be done, the number is diminished to one-half. The abolition of the smaller gaols should be compelled by the Legislature, and not left to permissive legislation. I am glad to hear that prison management and discipline is likely to be inquired into by a Royal Commission.

Mr. Seymour Teulon (Limpsfield, Surrey): I concur as to the industrial employment of prisoners. I have been long connected, as visiting justice, with two prisons. As to the lash, every person of humane feelings must shrink from inflicting it; but it is necessary to retain the power. It ought not to be and is not inflicted on the order of one magistrate. The practice in the metropolis in case of resistance to authority and disobedience, is to bring the offender before the visiting justices. A trial then takes place as publicly as if it were held at the assizes. Evidence is gone into, and if the accused is found

guilty, he is not ordered to be flogged; he is told that order must be maintained, and he is sentenced to so many lashes. It is, however, in his own power to avoid the punishment, for he is always told—the sentence will not be carried out if you obey. The result is that the man succumbs, and that the lash is never inflicted. As to untried prisoners, sometimes hardship is suffered by innocent persons. A man may be three months in gaol, and yet be innocent. I have known persons eight months in prison before trial. But take the case—a probable one—of an innocent man imprisoned for that length of time. His family, dependent upon his labour, become chargeable to the workhouse; his status is lost; and he is for ever disgraced. In the metropolis, fortunately, a portion of this hardship can be avoided. Croydon is a very short distance from London, and if the prisoner has been arrested within the metropolitan district, he can be tried at the Old Bailey within a month. I trust the time is not far distant when provision will be made for the even more speedy trial of all persons charged with offences against the law. There must be much more difficulty in finding industrial employment in the metropolis than in Manchester, for instance, in which a special kind of industrial occupation prevails—such as spinning, or some of the connected branches. The question whether or not it is better that the prisoners should work in their separate cells, has to be settled. If so, the difficulty is augmented of finding employment for them there. It may not be known that in the Ulster Gaol, in the town of Belfast, the female prisoners do washing, both for the prison and the public, at an income of 600*l.* a year. Many of the women so employed are enabled thus, after they leave the prison, to follow the same occupation.

Mr. J. A. Bremner (Manchester): I see the difficulty pointed out of finding profitable employment for vagrants and short-sentence prisoners. I have, however, taken the large principle, that industrial labour in towns, such as Manchester, is very economical to the rate-payers, and has proved to be reformatory in its results. In other places, where there is no particular or general employment for the people, the difficulty in applying the principle will be greater. But I hold that if we are to have sound reform in prison discipline, we must work on the main line of humanity, and that is the recognition of the fact that the prisoner is a man entirely at the disposal of the society he has offended, and that it is our interest and duty to recognize his human feelings. By such means we can hope to elevate and reform him, while we can, as I believe, still make our prisons as deterrent as they should be. I carefully avoided advocating the disuse of corporal punishment; I merely pointed out that there were too great facilities for its application. There is a typical female offender in every locality. I have myself known such an one as described by Mr. Hastings, and I believe that the only way to reform them is to approach them through the medium of kind-hearted Christian women. It is a hardship that an untried, and perhaps innocent, man should be liable to imprisonment; and still more, that he should be imprisoned amongst convicted prisoners. I do not see how to avoid the difficulty, which is universally admitted.

The Chairman (Mr. M. BROWNE): I will only say, in winding up the proceedings of the day, that my experience of seventeen years as a visiting justice, leads me to agree as to the necessity of retaining the power of inflicting corporal punishment on refractory prisoners. Without such power it would be quite impossible to maintain order in our gaols. It is to be regretted that some means cannot be devised of making distinctions between persons who are awaiting trial, and who may be innocent, and convicted criminals. How that is to be done I cannot say; it should be attempted.

Mr. BARWICK BAKER then moved the following resolution:—"That this Section recommend to the Council of the Association the propriety of applying to the Secretary of State for the issue of a Royal Commission, to inquire into the discipline and management of the County and Borough Prisons."

Mr. SPERLING seconded the resolution, which was supported by Mr. Bremner, put from the chair, and carried unanimously.

PRISON INDUSTRY.*

Prison Industry; the Foundation of Prison Discipline, and of the Reformation of Criminals. By FREDERICK J. MOUAT, M.D., F.R.C.S., late Inspector-General of Prisons, Bengal.

THE illustrious John Howard, in writing of the prisons of Holland, in his great work published in 1792, mentions with approval that, "The States do not transport convicts; but men are put to labour in the *rasp-houses*, and women to proper work in the *spin-houses*; upon this professed maxim, Make them diligent, and they will be honest." A little further on he says that "Great care is taken to give them moral and religious instruction, and reform their manners for their own and the public good."

In Holland, even in those days, the children of malefactors who were executed, and of those who were sentenced for long terms to the rasp or spin-houses, were sent to the Orphan House, and were there brought up in industry, and not left destitute vagabonds, to become unhappy victims to the wickedness and folly of their parents.†

In the hospital of San Michele in Rome, visited by Howard in 1778, in the department used as a prison for boys and young men, he copied two inscriptions, which embodied, as he rightly conceived, "an expression of the grand purpose of all civil policy in relation to criminals."

---

* See *Transactions*, 1872, p. 266.

† Howard, "The state of the Prisons in England and Wales, &c." London: 1792.

Over the door was inscribed:—

Pope Clement XI.
For the correction and instruction
of profligate youth.
That they, who when idle were injurious,
when instructed might be useful
to the State
1704.

In the room itself appeared the following sentence. Both were in Latin.

It is of little advantage
to restrain the bad
by punishment,
Unless you render them good
by discipline.

In the centre of the room, in which fifty boys were working, was hung up the inscription:—

SILENTIUM.

On the opposite page, plate 12, Howard gave a plan of the House of Correction at Rome, in which three tiers of separate cells are shown, and between them, on each floor, running the whole length of the building, the halls in which the prisoners worked. I know of no earlier cellular prison than this.

Another great benefactor of mankind, but altogether of a different type, whose name is less known beyond scientific circles, Count Rumford, regarding whom the late Dr. Bence Jones, shortly before his death, wrote so wisely and so well, laid it down as a principle that "To make men virtuous, it was necessary first to make them happy."

What!—I imagine some of my present auditors to say, make people who have committed crime and have inflicted injury upon society, happy in prison! Teach them trades and industrious habits to bring them into injurious competition with the honest free man, who deserves well of his fellow-men, and is left to struggle without aid in his hard and earnest fight with poverty and its attendant evils? What new-fangled humanitarian doctrine is this? A prison should be a place of punishment, in which the largest amount of pain and suffering should be inflicted, which can be borne without injury to health.

This has often been said of prisons by wise and good men, and for many long years it was the basis of all the prison systems of those countries which hoped to repress crime by harsh and deterrent measures.

Why, then, has it been changed, and why have measures of a much milder and more humanizing character been substituted for the chains and other instruments of torture in general use formerly, and in partial use even now, where the treatment

of crime and criminals is either little understood or in the hands of men like the present Lieutenant-Governor of Bengal, who has not even mastered the alphabet of the subject, as his written opinions show?

I would rather answer the question by the testimony of others, than by my own experience, great and long as it was.

It is because such systems have failed to produce the end desired—the protection of society and the prevention of crime—and they have failed, as all systems will fail which are opposed to the wise and beneficent designs of the great Creator in this wonderful world of ours—a mere speck in the host of mighty constellations which stud the firmament around and above us.

Herbert Spencer, in one of the most thoughtful of his Essays, tells us that in all such matters we should consult just principles, and not cling obstinately to unreasoning empiricism; and in his well-reasoned paper on Prison Ethics has shown to what extent the coercion of a criminal is legitimate, and the limits to which such coercions can, in consequence, be properly carried. All beyond what absolute morality countenances, is, in his opinion, as unnecessary, inexpedient, and unjustifiable as it is useless. The necessities of civilization require no gratuitous infliction of pain, no revengeful penalties. "Complete life being the end of morality, and the conditions it insists on being such as to make possible this complete life to all members of a community, we cannot rightly abrogate these conditions even in the person of a criminal, further than is needful to prevent greater abrogations of them. . . . Freedom to fulfil the laws of life being the thing insisted on, to the end that the sum of life may be the greatest possible, it follows that the life of the offender must be taken into account as an item in this sum, and that we must permit him to live as completely as consists with social safety. It is commonly said that the criminal loses all his rights. This may be so according to law, but it is not so according to justice. Such portion of them is only justly taken away, as cannot be left to him without danger to the community. Those exercises of faculty, and consequent benefits, which are possible under the necessary restraint, cannot be equitably denied. If any do not think it proper that we should be thus regardful of an offender's claim, let them consider for a moment the lesson which nature reads us. We do not find that those divinely-ordained laws of life, by which bodily health is maintained, are miraculously suspended in the person of the prisoner. In him, as in others, good digestion waits on appetite. If he is wounded, the healing process goes on with the usual rapidity. When he is ill, as much is expected

from the *vis medicatrix naturæ* by the medical officer as in one who has not transgressed. His perceptions yield him guidance as they did before he was imprisoned, and he is capable of much the same pleasurable emotions."

"When we thus see that the beneficial arrangements of things are no less uniformly sustained in his person than in that of another, are we not bound to respect in the prisoner such of those beneficial arrangements as we have power to thwart? Are we not bound to interfere with the laws of life no further than is absolutely needful? If any still hesitate, there is another lesson for them, having the same implication. Whoso disregards any of those simpler laws of life out of which, as we have shown, the moral laws originate, has to bear the evil necessitated by its transgression—just that and no more."

"If, careless of your footing, you fall, the consequent bruise, and possibly some constitutional disturbance entailed by it, are all you have to suffer; there is not the further gratuitous penalty of a cold, or an attack of small-pox. If you have eaten something which you know to be indigestible, then follow certain visceral derangements and their concomitants; but for your physical sin there is no vengeance in the shape of a broken bone, or a spinal affection."

"The punishments in these and other cases are neither greater nor less than flow from the natural working of things. Well, should we not with all humility follow this example? Must we not infer that, similarly, a citizen who has transgressed the conditions to social welfare ought to bear the needful penalties and restraints, and nothing beyond these? Is it not clear that neither by absolute morality nor by nature's precedents are we warranted in visiting on him any pains besides those involved in remedying, as far as may be, the evil committed, and preventing other such evils? To us it seems manifest that, if society exceeds this, it trespasses against the criminal." *

Mr. Spencer then goes on to show, as I think correctly from a prison experience of fifteen years, that the natural consequences of imprisonment, when rigorously enforced, are quite severe enough, and quite as much as absolute morality demands.

What, then, may be regarded as the natural consequences of imprisonment?

Bentham, than whom we cannot have a sounder authority, classes the consequences connected with imprisonment under three heads—viz., the necessary inconveniences, the accessory inconveniences, and those which are abuses.

The necessary inconveniences (or consequences) are—the

* Prison Ethics: *British Quarterly Review*, July 1860.

loss of liberty, with all the consequences arising from this loss; disruption of family and social ties; destruction of business; a compulsory state of existence in all matters; and the necessity of conforming to strict regulations, in which no freedom, even of will, can be granted.

The accessory pains are—a compulsory diet, uncomfortable means of repose, exclusion of society (except at brief intervals, under strict regulations), forced association with undesirable companions (when association is unwisely allowed), absence of the means of communicating with the outer world, and enforced labour in uncongenial pursuits, or, what is still more difficult to bear, compulsory idleness. Now, if these necessary and accessory inconveniences of imprisonment are strictly enforced, they are quite as severe in the way of punishment as society has any right to impose. All in excess of these, veil it as you will, is simply torture in disguise, and, as such, not sanctioned by our civilization, our Christianity, or our laws, human and divine.

The last authority I shall quote on this point is Beccaria, the enlightened Italian jurist, whose work on Crime and Punishment is one of the most logical and valuable contributions ever published on this great and important branch of Criminal Law.

He says that, "If it can only be proved that the severity of punishments, though not immediately contrary to the public good, or to the end for which they were intended, viz., to prevent crime, be useless, then such severity would be contrary to those beneficial motives which are the consequences of enlightened reason, which induces the sovereign to wish rather to govern men in a state of freedom and happiness than of slavery. It would also be contrary to justice and the social compact."

The judicious limit of twenty minutes assigned by your rules and practice to papers such as mine, prevents my enlarging further on this branch of my subject, or of submitting to you the proofs that unreasoning severity has in every country failed to diminish crime or to reform criminals. I have less regret than I should otherwise have experienced in this compulsory omission, from a knowledge that the experience brought to bear upon the whole question by the International Penitentiary Congress, which met in London last year, was singularly unanimous in condemning all proceedings of mere harshness and repression as unnecessary and useless. To the section of this Association which it is my privilege now to address, the labours of the above International Congress must be familiar; hence a detailed exposition of them is not required.

A reference to the causes of the great majority of crimes

in all countries and in all stages of civilization, would show conclusively the reason why it should be so; and why the *à priori* doctrine is borne out by the *à posteriori* conclusion, for there is, in my opinion, no real antagonism in the two schools of morality on this cardinal point of criminal practice, viz., that, as Herbert Spencer puts it, "the commands of absolute morality shall be obeyed as far as possible; that we shall fulfil them up to those limits beyond which experiment proves that more evil than good results." Experience and experiment have now shown all over the world that the "most successful criminal discipline is a discipline of decreased restraints and increased self-dependence; and the evidence proves the success to be greatest where the nearest approach is made to the arrangements prescribed by abstract justice."

This brings me naturally to the maxim of Pope Clement, that "It is of little advantage to restrain the bad by punishment, unless you make them good by discipline."

It would be unprofitable here to inquire how the discipline referred to was found in industrial employment. It most likely arose from observation and a knowledge that the means which kept men virtuous in freedom, would reclaim them when, from becoming vicious, they had forfeited their liberty; since, in changing their condition, they did not part with their natural characteristics—a fact that must very early have forced its attention upon those who had charge of criminals.

Be that as it may, it is now so universally admitted as to have quitted the region of discussion, and to have become fixed in that of accepted fact.

The only differences of opinion and practice that now exist are, as to the character of the employment in which the term of sentence of the criminal shall be passed. One school contends that it shall be in dull, wearisome, monotonous, laborious efforts, the avowed intention of which is to deter by the infliction of physical pain. This was partly from an erroneous idea that a prison is solely a place of punishment; that to teach a prisoner any useful occupation was unjust to the honest poor man who has not committed crime; and that to prevent the relapse of a criminal and to deter others from the commission of crime no pleasurable emotions or memory should be attached to a prison life. It is, fortunately, no longer necessary to show that such views are utterly and absolutely erroneous; yet, so long as they are entertained by a small minority of persons interested in prisons, it is necessary to notice them. The emphatic condemnation of treadwheels, cranks, and similar wearisome, unmeaning waste of power by an overwhelming *consensus* of opinion in the Prison Congress

of London, renders their final disappearance from all prison systems a mere question of time, and that time not very remote.

The other, and the more sound school, desires the labour to be industrial; to be easily taught and learnt; to be such as will not affect health prejudicially; not to be purely mechanical, but to exercise the intelligence as well as the muscular power of the individual; to be as remunerative as possible; to furnish the criminal with the means of purchasing small indulgences during his imprisonment; to form a fund to start him in life on his release, and to provide him with the knowledge of some handicraft which will enable him to earn his bread as an honest man, for the support of himself and his family.

In determining the form of handicraft in which a criminal should be employed, his physical and mental capacity, and his antecedent history, should be consulted as much as possible, in order that his prison-training may be profitable to himself and to the state.

This is the spirit, and very nearly the letter of the rule and practice which I have recently witnessed in some of the prisons of Germany and Belgium, and which I saw last year in Switzerland and Sweden.

Why, then, you may well ask, should not so rational and successful a system be in universal use in the gaols of Great Britain, instead of the existing unsatisfactory plan?

For this the Criminal Law is mainly responsible. It not only gives prison industry a bad name, but saddles it with a condition which, in the sense intended, is a snare and a delusion, as well as a serious detriment to industrial training as an instrument of discipline and reformation.

The addition of what is termed "hard labour" to the sentence of a criminal is intended to stamp his offence with a stigma of moral turpitude which is not attached to ordinary infractions of law or simple misdemeanours.

I wish I could reproduce, without the omission of a single sentence, the fifth section of the second part of Jeremy Bentham's Panopticon—On the Employment of Prisoners—for it is full of wit and wisdom, and I doubt if the forcible truths which it contains have ever been so well expressed, as in the letters on the subject written by that eminent jurist so long ago as 1787.

He says:—"The policy of giving a bad name to industry, the parent of wealth and population, and setting it up as a scarecrow to frighten criminals with, is what I must confess I cannot enter into the spirit of. I can see no use in making it either odious or infamous. I see little danger of a man's liking

work of any kind too well; nor, if by mischance it should fail of providing him in suffering enough, do I see the smallest difficulty of adding to the hardness of his lot, and that without any addition to the hardness of his labour. Do we want a bugbear? Poor, indeed, must be our invention, if we can find nothing that will serve but industry. Is coarse diet nothing? is imprisonment—is loss of liberty, in every shape—nothing? To me it should seem but so much the better, if a man could be taught to love labour instead of being taught to loathe it. Occupation, instead of the prisoner's scourge, should be called, and be made as much as possible, a cordial to him. It is in itself sweet, in comparison of forced idleness; and the produce of it will give it a double savour. The mere exertion, the mere naked energy, is amusement when lesser ones are not to be found. Take it in either point of view, industry is a blessing; why paint it as a curse?"

It is the name of hard labour which is the phantom that has misled so many in the matter, and which continues to delude those who believe in restriction, pain, and punishment as the sole ends of imprisonment. It would not be difficult to show, as I did in one of my Indian prison reports, that aimless and unremunerative work, which is a mere monotonous muscular effort, was not, in reality, as exhaustive in its effects as industries needing care, skill, and attention, in each individual act of which there was little or no muscular strain.

If labour in prisons be used simply as an instrument of coercion, and to harass and weary, without any thought of benefiting or humanizing those who have offended against the laws, it is possible that the mere exercise of brute force in dull and degrading employments may answer that end. From a very considerable observation of prisoners at work, I am by no means sure that such is, however, the case, and that the purpose, even were it justifiable, is attained. On the other hand, I have no hesitation in declaring that, in my humble judgment, pain, misery, humiliation, and the feelings of angry resistance engendered by such means, are as much out of place in a prison as they would be in a lunatic asylum. Rightly regarded, a prison is a hospital for the cure of moral disorders, and the principles which now guide the treatment of those bereft of reason are strictly applicable to those who are deficient in moral principle, and whom it is desirable, in their own interests and in those of society, to bring into paths of rectitude and virtue.

If time permitted, and it were necessary for my argument, I should be glad of the opportunity of explaining to you that the economic objections to industrial employments in prisons are not only unsound, but are opposed to public policy; that it is

quite consistent with the higher objects of imprisonment to encourage criminals to find interest, and even amusement, in their work; that every effort should be made to make them love labour for its own sake, instead of loathing it as associated with pain and degradation; and that, in endeavouring to make prisons self-supporting, which I hold to be perfectly practicable, we not only diminish a heavy and unnecessary burthen upon the tax-payers of this country, but, far from sacrificing any of the proper intentions of imprisonment, carry them out more completely and effectually than can be accomplished in any other way.

The labour-test, applied with care, intelligence, and humanity, is the only criterion of good behaviour which admits of no shams or evasions, and is the only form of retribution which I would exact from the criminal, as rigorously as Shylock would have extorted his bond from Antonio. If, in restoring him to society a wiser and a better man, and, in converting him from an unprofitable consumer into a profitable producer, we compel him, as far as possible, to repay the cost of the injury he has inflicted on society, we surely accomplish the apparently, but not really, incompatible ends of imprisonment better than by any other plan which has yet been tried. These ends are, the punishment of the offender and the protection of society. So long as human nature is what it is, and civilization creates artificial wants, and calls new social and moral disorders into existence, so long will there be crimes in the world, and so long must provision be made for their prevention and cure, in the shape of prisons.

The real commencement of the reform of criminals, and, consequently, of the prevention of crime, must be in the education of the people; and in this I believe that much more reliance can be placed than in any scheme of dealing with criminals.

My test of the management of a prison would be *its* balance-sheet; my test of the behaviour of a criminal, *his* balance-sheet: in both cases, with ordinary common sense, care, and vigilance in supervision, there ought to be no room for error. The prison should be made to pay, and the prisoner to work in a manner that must admit of no shams. He may feign piety, and he may be obedient to prison rules from calculation of their advantages; but he could not feign good work without performing it, and he could not feign the completion of a task when it was unfinished.

If all means of reclamation fail—as they unhappily will in some cases—or if the injury inflicted on society be such as cannot be repaired or condoned, and forbids the restoration of the criminal to its ranks, then he should be permanently removed from the scene and never be permitted to reappear on it.

The world is, and will be for ages to come, large enough to provide proper places for the banishment of habitual criminals, without forcing them on unwilling colonies, or tainting civilized communities with their presence.

I have purposely refrained from speaking of education in prison as a most powerful instrument of reclamation; because, great and essential as it is, I hold it to be secondary to industrial employment, in this particular respect:—"Make them diligent, and they will be honest."

To sum up in a few words this imperfect view of a question which is, I believe, at the very root of all sound systems of prison management, I am of opinion that all prisons should be schools of industry, and should be made self-supporting by the introduction of remunerative labour.

That the injurious addition of the words "hard labour" be omitted from all criminal sentences, and that all sentences for crimes, whether they be simple misdemeanours or felonies, carry with them the condition of labour suitable to the age, sex, condition, and antecedents of the criminal, and be in no sense so carried out as to be instruments of pain, degradation, or torture.

That the industrial system is well calculated to secure the immediate as well as the remote objects of imprisonment.

That the conversion of gaols, houses of correction, and penitentiaries into schools of industry is not only consistent with the maintenance of strict discipline, but is the most humane, rational, and successful system of enforcing it.

That the utilization of convict labour in handicrafts is not only a perfectly legitimate employment of such labour, to which there is no sound economic objection, but that it is demanded by state policy in the interests of society at large, and in that of the prisoners themselves.

That the necessary and accessory inconveniences of imprisonment are in the imprisonment itself when properly carried out; and that prison labour should not be used or regarded as a punishment, but treated as an alleviation of punishment, except to the very moderate extent in which penal labour may be properly employed as a means of gaol discipline by breakers of prison rules, to prevent the necessity of resort to more degrading measures of punishment.

That as punishment and reformation stand in the same relation to each other as curative and preventive measures in medicine, all sound systems of prison discipline should subordinate the former to the latter, inasmuch as pain or cure can only affect the individual, while reformation or prevention may influence the many; and the major, in all such cases, should be preferred to the minor.

Lastly, if the foregoing propositions be true, that the only sound basis of prison discipline and the reformation of criminals is Prison Industry, rightly applied, properly and humanely directed, and as remunerative as possible in its character.

---

*Treatment of Prisoners on Remand.**

By H. B. SHERIDAN, M.P.

MY attention was first drawn to this subject some years ago, when two gentlemen, brothers, men of wealth and education, merchants in the City of London, were repeatedly remanded on a charge of making an improper claim against a Fire Insurance Company. I then went thoroughly into the case, and inquired carefully and minutely into all the circumstances connected with the treatment they experienced. The statements they made as to the wrongful treatment they endured were still more startling than that made by Dr. Hessel, or any of the other similar statements with which we have been recently made acquainted. These gentlemen were acquitted.

It seems impossible to deal with this question through the medium of visiting justices, for in every county in England a different system prevails, some milder, some more severe, but all equally uniform in the barbarity with which they treat suspected persons, and therefore it is that some government or legislative action is absolutely necessary to compel magistrates to act in some uniform manner where prisoners are concerned, who, being unconvicted, are still citizens of the State, and have forfeited none of their civil rights. I cannot even except Scotland from this sweeping condemnation, for she is as bad as her neighbours,—worse she cannot well be. I have a letter from a gentleman whose name I may use, a Mr. John Lundy, of the North British Colour Works, Leith, who says, in alluding to Dr. Hessel's case, "I can tell you of a case in Scotland quite as bad, and which I understand is only part of the general system." He speaks of a neighbour of his whom he names, "who had failed in business, and who had received the usual certificate, but who was proceeded against upon some outstanding bill, the handwriting to which he denied." "Without more ado," writes Mr. Lundy, the Procurator Fiscal, "procuring, I suppose, a warrant, apprehended the alleged drawer of the bill and brought him to Scotland. He was taken before the sheriff, by whom he was required to make a declaration (quite in the French style of examination,

---

* See *Transactions*, 1872, p. 217.

instead of being warned, according to English law, that any statement he made would be used against him). He was then, after signing the statement he was compelled to make, committed to a cell beneath the sheriff's court-house (not the city gaol), and kept in strict solitary confinement for ten days and fed, he says, abominably on porridge and sour milk, with a roll and a bason of watery soup. He was not allowed to send a line to his relations, friends, or solicitors. Meanwhile the Procurator Fiscal is getting up the case against him—no doubt with leave to ransack his papers, and detain what he chose. He was then again brought before the sheriff, and after identification sent to the city gaol. There he was kept about a month, and after pleading not guilty, his clothes were handed to him, and he was simply told he was free."

"Conceive," says Mr. Lundy, "the mental torture of an innocent man and his family in those ten days. Possibly the system of total and solitary confinement and the declaration, is a legacy of the French laws engrafted on the Scotch in olden times, but such should not be allowed any longer."

The Howard Association, in one of its recent papers, referring to the various modes of treating untried prisoners, says, "The treatment of untried prisoners varies much in different counties. The following is an outline of the position of a respectable lady lately imprisoned for three months merely in default of bail in a southern county gaol, one of the best of its kind:—cell with stone floor without any mat to stand on, light from an opaque glass window high in wall, no looking-glass, no table, little accommodation for washing, 22½ hours daily in cell, 1 hour exercise in yard in fine weather, ½-hour chapel, scarcely any books, no newspapers, make obeisance to visitors or lowest prison official on cell door being thrown open, obliged to write and eat on top of water-closet, cell so insufficiently warmed that hands and feet were blue with cold."

I have given the foregoing extracts because one refers especially to Scotland and has a peculiarity of its own, and the other strengthens my opinion as to the want of uniformity of treatment in English counties.

As a rule the prisons of this country are wisely and humanely governed, and, so far as convicted prisoners are concerned, Mr. Hastings, in his address delivered at this meeting, has shown that our system is superior to that of any in the world. There was a time, however, and that but a recent one, when the most monstrous tyranny was exercised within the prison walls upon all its inmates, but more especially upon unconvicted prisoners. In the days of the great philanthropist,

Howard, it was no uncommon circumstance for unconvicted prisoners to be detained for years in their confinement, because they had failed to satisfy some prison rule, or the exorbitant demand of the gaoler for fees. Those days are past, and I trust that the system we are discussing, which is but a remnant of the barbarous and merciless injustice with which our forefathers treated all persons who came within the supervision of the law, whether civil or criminal, will likewise soon be swept away by the voice of public opinion and the action of the Legislature.

The fundamental maxim of English law has hitherto been supposed to be that every man shall be presumed to be innocent until he is proved to be guilty. We object to the Continental system, which tries to prove the guilt of a prisoner by his own evidence, but we profess to allow him the fullest opportunity for defending himself. This is not only justice and humanity, but it is common sense and prudence; for there can be no desire on the part of a community, and it certainly would not be an advantage to it, that innocent persons should suffer, or that they should be rendered unable to prove their innocence through any act, omission, or neglect on the part of the State, and yet in practice we daily violate these axioms of public policy. From the first moment that a man is charged with wrong-doing, all the means that ingenuity can devise appear to be taken by the executive power to prevent the prisoner's getting together his defence. We tie his hands and his feet, and place a gag in his mouth, and then say, "Defend yourself if you can." We lock him up in a gloomy and almost inaccessible prison; we exclude from him all his friends and relations; we allow him only ten minutes to converse with his wife, and that through a grating and in the presence of a gaoler. (This ten minutes in the case of Dr. Hessel was extended to twenty.) He is not allowed to write, except under the supervision of the gaol officials, and at stated times. His professional adviser is, it is true, allowed to visit him, but not at all hours. At the same time his opponents, those who have charged him with wrong-doing, whether falsely or not, are allowed full liberty of action against him. They have possession of his papers, and may be presumed to be night and day engaged in getting together or hunting up evidence to convict him.

Now all this is bad enough. It is sufficiently inconsistent and unjust to give the prosecutor every possible advantage whilst you tie up the prisoner in the manner referred to, but this is not all. We pretend to believe that the prisoner has ample leisure in which to serve the State, and he is set to

work to clean the prison, to devote himself to a course of religious study, to parade in meaningless exercise with other prisoners, to practise deferential attitudes and Oriental salaams to every prison officer, and to stand up and be exhibited as a show to every prison visitor.

I am thankful to say that public opinion, both at home and abroad, has now condemned the whole of this system of treatment, and has pronounced it to be not only radically wrong, but oppressive, impolitic, and unjust. What right has the State to a single moment of that prisoner's time?—the law says that he shall be detained, but nothing more. What right has the State to limit the hours which that man may think it necessary to employ in his defence? What right has the State to limit the number of witnesses he may think it necessary to send for, to see, and to examine? I maintain that the fullest and the most complete liberty of action that can be given him, consistent with his safe detention, is that prisoner's inalienable right, as a free citizen, and as one who desires to clear himself, it may be, from some mistaken charges. What a mockery are our principles of law and justice, if we trespass for one half-hour upon that man's time, or upon his thoughts, or upon his actions.

Let us take the case of a merchant in a large and complicated way of business, charged with fraud. It may be he is only so charged through the inability (when thus suddenly assailed) to unravel and explain the enormous transactions of his firm, trading, perhaps, with all the quarters of the globe. By our present system he is utterly precluded from having his accounts, his books, and his clerks present with him in the place of his detention. He cannot do this work by deputy. Can his character or his liberty be safely entrusted to the expertness of a clerk or a manager? It may be that the whole fault lies with some confidential clerk, and is he to have the manipulation of the books and papers during the forced inactivity of the prisoner? In a case of this sort all the hours of the day, and the greater part of each night, between the remands, would be insufficient for the work he has to do, and yet we talk to him of the upright justice and mercy which allots to him a few moments of the day to hold communication with his wife, his relations, his clerks, and his witnesses, and the gracious indulgence which compels these confidential communications and inquiries to be made in the hearing of gaolers, who, as we have seen in the recent case at Newgate, are open to corruption, and may be induced by the prosecution to disclose the prisoner's line of defence. Who are the persons that a man under these circumstances most desires to confer with and to be assisted by?

Certainly, the very persons who are carefully excluded from him; his relations, persons who share with him in loss of reputation, liberty, and property; who are the most fitted of all others to be his confidential messengers in getting together his witnesses and preparing his defence, or, in other words, of doing that which his opponents or prosecutors have full liberty of doing. But the cup of injustice is not yet full. In this the supreme moment of his life, when a prisoner, possibly an innocent one, requires all the fortitude, all the energy, all the elasticity of mind and body of which he is capable, we take every step that malignity itself could suggest to weaken his energy, to undermine his fortitude, to depress his spirits, and to destroy his elasticity of mind and body. We place him in a gloomy cell; we subject him to the strictest prison discipline; we deprive him suddenly of all the comforts he has been accustomed to; we associate him and parade him with convicts; we make ample demands upon his time by giving him the duties of a scullery-maid to perform. He has to submit to every personal indignity that the mind of a gaoler can invent, and he is exposed to a system of night and day espionage worthy the worst times of the Inquisition.* Surely this is the old system of torture, in another shape, that was formerly used in case of remanded prisoners to force them into confession.

There is a grand old charter familiar to our minds, which is supposed to be the very corner-stone and bulwark of our English liberty, called "Magna Charta." There is a passage in that old deed which may be translated: "That no freeman shall be subject to the severity of imprisonment, except by the verdict of his peers," and it was said by a great Parliamentary orator that there was more true eloquence and more sound constitutional principle in those few lines of bad Latin, than in all that had ever been written on the subject of human liberty.

There cannot be a question that a system the very reverse of all that which I have been describing, is the legal, the just, the wise, and the humane method, which nations claiming to be civilised should universally adopt in the treatment of persons yet untried. Remanded prisoners should be subject to the same detention—and to no more—than our debtors formerly endured, and herein lies, I think, the cure of the evil. What has become of the Queen's Bench Prison? That was the sort of house of detention in which suspected persons should be

---

* Dr. Hessel said, "Once every hour on this, as on all other nights, a warder came and unlocked my cell door, and asked, 'All right?' and I had to reply, in the same words."

placed, who might yet be proved altogether innocent of crime. The security of the person was there complete, but at the same time prisoners had all the personal liberty which could possibly be required. Those prisoners who could pay for it had a room to themselves in the better part of the prison, and those who could not, had rooms in the inferior part, but all had the fullest liberty, and every personal privilege, excepting that of freedom. They took their exercise when they pleased. They worked at their defence all day if they pleased, and as late into the night as was necessary, and all who sought them during the hours of the day had free access to them, so that their messengers could bring books, papers, and witnesses, and evidence could be elicited and written down by the prisoner himself. An accountant might go through a prisoner's books with the assistance and in the presence of the prisoner. They furnished their rooms according to their means, and their daily food, when paid for by themselves, was of their own selection.

This is the sort of detention that remanded prisoners should be subjected to, and these are the arrangements and conveniences which common fairness demands should characterise their imprisonment.*

I do not propose to show how in the various prisons of the kingdom this sort of convenience is to be provided. I only know that it should be provided; and I feel sure that places could be fitted up with but little expense, to accommodate the comparatively few persons in each place who are remanded prisoners.

And now let me consider what are the objections which would be urged against the system here proposed:—

1. It will be urged that they might escape. Now the answer to this objection can be readily given. In the long history of the Queen's Bench Prison the escapes may be counted on your fingers, and when we look at the long muster-roll of debtors who were imprisoned there, many of them for a life-time, most of them for long periods of years, I think it may be stated that the governor of the Queen's Bench had as much care to take and more persons to look after than the governor of any ordinary prison in the kingdom.

2. It may be urged that this sort of imprisonment would give a prisoner the opportunity of concocting evidence and getting together false witnesses. Surely this is no more an argument against the defendant than it would be against the prosecutor. At all events the mere presumption that a prisoner may commit a fresh crime in addition to that with

* Persons charged with murder may be specially treated.

which he is charged, cannot be an argument for depriving him of his constitutional rights. And certain it is if we deprive him of his constitutional rights we are ourselves committing a great crime, for what greater wrong can be done than to prevent an innocent man from establishing his innocence.

3. The third objection that would be made is, that a prisoner, with so much liberty, might commit suicide, and I may say I have heard this argument used in opposition to my proposal. There need be no wonder if a prisoner under the present system, crushed both in body and in mind by the weight of prison discipline, and a heavy and, perhaps, an unjust charge against him, and treated before his trial as one already convicted, should, despairing of the justice of men, seek a refuge from the ills he knows of "by shuffling off this mortal coil." But I apprehend there is no fear of suicide if you treat with common fairness and propriety the man who has to employ his time in his defence. Let him be animated with the belief, however guilty he may be, that he is being justly treated, and that therefore there is a chance in his favour, and hope, which rises perennial in the human mind, will sustain him till the day of trial. After that he is either an acquitted or convicted prisoner, and he is no longer subject to the mode of treatment under discussion.

I think, therefore, if these are all the objections that can be urged against the radical alteration proposed, there are none that need cause us to pause in our progress towards improvement, and I might say it would be better that we run the risk that some prisoners should escape, either by way of suicide or other means, than that one innocent man should be found guilty for the want of time or opportunity to prepare his justification. The country demands that some decided action should be taken by the Legislature in the direction proposed, and the whole Press of the country, foremost in all good works, has adopted and repeated that demand. The "Times," in speaking of the present system, says:—

"Every one among us, who is unfortunate enough to be the victim of a false accusation, undergoes the indignity of being treated like a convict. If he is only locked up for a single night, perhaps on suspicion of being drunk, when he is seriously ill, he is consigned to confinement in a miserable cell, which in itself constitutes a severe punishment. But if he happens, like Dr. Hessel, to be remanded, he must then submit to all the humiliations of acknowledged guilt, and endure the rudest hardships of criminals."

Again, the "Times," speaking of the practice of disturbing prisoners during their sleep, says:—

"We refuse to believe that they have all, for weeks together, had to submit to these annoyances at a time when they wanted above all an unbroken rest and undisturbed temper. Surely we should have heard of it before had all our own citizens been so treated. Their legal advisers would have complained that their clients had not a fair chance."

. . . . . .

Again—"After such an exposure it is impossible the system can be left unaltered. We are in some measure challenged before the bar of European public opinion."

I propose next session to introduce again my Bill of last year, a Bill which, although of few clauses, will yet, I believe, effect all the alteration desired, and I feel perfectly sure that the present Home Secretary will, with his just and quick appreciation of right and wrong, be as ready to help in this matter as was his predecessor, Mr. Bruce, and that we may thus succeed in obtaining an alteration in the law, which will render our judicial procedure less a subject of shame and regret to our countrymen, and more in accordance with the claims of civilisation, justice, and humanity.

On the Treatment of Life-Sentenced Prisoners.

By Mary Carpenter.

THOSE who anxiously desire the entire abolition of capital punishment throughout our realm, should be prepared to propose some substitute for it. That substitute must generally be, for the protection of society, imprisonment for life,—an imprisonment certain and absolute. If it is not so,—if there is a probability, or even a possibility, that there will be a relaxation or remission of the sentence, except in case of innocence being proved;—or if the separation from society is incomplete and insecure, as in the case of the late lamentable occurrence in the Andaman Islands, the object of the life-sentence will not have been attained. At the present time no special arrangements exist for life-sentenced prisoners. The consequence of this is, either that the prisoner under life-sentence, when subjected to the ordinary prison discipline, is drawn by intense mental suffering to suicide, as has occurred in England;—or that he is sunk into so distressing a morbid condition (as I have witnessed on the Continent,

and in the United States), that death would have seemed preferable.

The consequence of this state of things is that the remission of life-sentences is, in the United States, so frequent, that I was informed that at Sing Sing State Prison, New York, six years and a half were the general average of a life-sentence. Hence, when a capital sentence is remitted, the murderer is beginning to calculate, as in the case of a recent parricide in New York, how he may bring to bear influence which may lead to mitigation of his sentence. Such uncertainty frustrates all the ends of punishment. At the same time, the public mind revolts so much against the idea of deliberately depriving of life a human being, that in multitudes of cases sympathy is aroused for the individual, and efforts are made for the remission of sentence, which are frequently successful. We learn from a pamphlet issued last year by the Howard Association, that at the English winter assizes of December 1871, there were seven capital sentences. "In the first case, the Derby murder (of a wife by her husband), the judge interposed and advised a commutation, which was granted. In the second and third cases (of the two poachers), at Leicester, the prosecutor, all the jury, who had returned a verdict of guilty, and several members of Parliament, interposed, with success, to prevent the execution of the law. In the fourth instance (a deliberate murder by a youth, at Coventry) the Lord Lieutenant of the county, several M.P.'s and magistrates, and a number of other persons, interposed, and again with success. In the fifth case, at Cheltenham, a number of clergy, 'Friends,' and others, interposed, but failed. This was the only one of the seven murderers upon whom the sentence was carried out. In the sixth and seventh instances (the Rev. Mr. Watson, and Miss Edmunds, the Brighton poisoner), nearly the whole nation may be said to have successfully obstructed the carrying out of the law. Yet even the recommendations of the judges in both instances, and of the medical men in the latter, although acted upon, are admitted to be in opposition to the law as it stands defined."

It appears then, and it would be easy to multiply instances to prove our point, that there is at present no certainty of the execution of sentences, either of capital punishment or of life imprisonment; and it is the object of this paper, first to consider what is the cause of the difficulty, and then to ascertain how best life-sentences can be carried out, so as to avoid the difficulty.

In the convict system, as in actual operation, both in Great Britain and Ireland, it is attempted in the first stage to bring the convict to a sense of his sinfulness, by submitting him to a period of separate confinement under strict discipline. After having shown in this primary stage his determination to submit to the duties imposed on him, he enters on the stage of associated work, where the elements of hope, self-control, and independent exertion are infused into him by a well-arranged system of marks, which enables him to work out a remission of his sentence, to gain various advantages by his own steady efforts, and finally to attain to conditional freedom before the expiration of his shortened imprisonment. This system infuses an element of hope into the prisoner from the first day of his entering the gaol. But what is the condition of the life-sentenced prisoner, if sent without hope of remission of sentence into one of our convict prisons? Henceforth the world around is blotted out from him. He probably enters it in a state of hostility to God and to man. If his mind is after a time somewhat distracted from his gloomy thoughts by associated labour, as soon as his cell door closes on him in the evening they all return upon him with redoubled force, and generally so oppress him as to induce a state of sullen, dogged endurance, or prostration of body or of mind. Such conditions will be familiar to all who have practically studied the subject. I have seen a man after confinement in an excellent prison-cell for fifteen years in the United States, become prematurely old, hardened in mind, and now obliged to remain under medical care, and with the indulgences of an invalid. I have seen another miserable man in a cell quite unfitted for the residence of a human being, day and night, with no arrangement for daily exercise. He had been seven years employed in making shoes, when, his sight failing, he had dragged on five tedious years without hope of remission, unable to relieve his solitude even by reading. I have read the heartrending outpourings of another, who saw no hope of any escape from the dreadful thoughts which assailed him day and night. One wretched woman, into whose cell I was admitted, had been its inmate for eighteen years, and was now in a weakened state of body, and in a disordered condition of mind, subject to violent paroxysms of passion. It surely was never intended by the law to subject human beings, however culpable, to such mental torture as is far worse than any physical infliction. Such will be always the difficulty of a life-sentence, if steadily carried out;—without such certainty, punishment is valueless. Yet exceptions cannot be made in large establishments

in favour of individuals: these would destroy the efficacy of the system.

It is necessary then that a different system should be pursued, which would develope the same principles of hope and self-exertion, but in a way adapted to circumstances, always bearing in mind the necessity of making the law a "terror to evil-doers," as well as of placing the criminal in a condition in which he *can* reform.

Let us now consider what should be the nature of a convict establishment for life-sentenced prisoners.

Selection should, in the first place, be made of a proper site. The safety of society is a primary consideration, and the more secure is the locality, the less need is there for those irksome restrictions which irritate the prisoner, and constantly remind him of his situation. If possible, an island should be selected, or better still, two or even three islands, sufficiently near to each other to be within one general surveillance. The choice of the locality should not be guided by the desire to make the residence there as unpleasant as possible, but by adaptation to the object—the reformation of the prisoner. Barren, frozen regions should *not* be selected, as some have proposed, where the spirit would become as chilled and rigid as the frame; nor unwholesome tropical places, where the influences are so depressing that the inhabitants of the temperate zone must pine away and die; nor must we choose a rugged and desolate district, where not even bounteous nature repays, as is her wont, the toil of the husbandman. There should be abundance of land, which, by the labour of the convicts, could be made highly productive. A site should be chosen which is sufficiently isolated, and yet not so remote as to prevent the frequent visits of persons whose influence would be beneficial. The land occupied by this institution should be so arranged as to admit of three distinct stages—prisons for separate confinement; for associated labour; and for partial liberty. Besides these, there should be a fourth stage corresponding to absolute liberty with the ordinary convict. Here there should be little, except the actual fact of prohibition to pass a certain boundary, which should remind the reformed convict who has attained to it, that he is still under sentence of the law. The space should be sufficiently large for the life-sentenced prisoner at length to have his family around him. Remunerative labour should be provided, by which he may be able to relieve society from the expense of his support, and even to repay what has been spent on him. He might also be permitted to make some

provision for his family, and prepare them for their free entrance on life.

It will be remembered that in Sir Walter Crofton's development of his system in Ireland, each stage was at some distance from the others, while his own mind kept all in unity. This was attended with very beneficial effects, as at each stage the mind of the prisoner received a new impetus. This is even more desirable in the case under consideration, where every available stimulus and excitement should be used to supply the place of that great object of desire which has been withdrawn, the anticipation of release.

While the general arrangements of our convict system should here be adopted, the stages may be passed through more rapidly, and more privileges may be allowed as the result of good conduct, such as communication with friends, and the purchase of small articles which may relieve the monotony of the cell. There should also be very careful and scientific medical superintendence of the whole. The mind and the body have much to do with each other, and in such cases particularly. At Ahmedabad, in India, I saw a very remarkable lunatic asylum, conducted by Dr. Wyllie, the able superintendent of the gaol of that place. Never have I seen a more pleasing spectacle of willing, cheerful out-door labour than among the patients of that institution; they were not only earning money, but bringing their physical and mental powers into harmonious action. Among these the doctor pointed out to me a class of murderers, who were working in as orderly a way as the others. The doctor observed them carefully and regularly, and when he saw in any one a peculiar appearance of the eye indicating a diseased physical condition, he put them under medical treatment, and the danger of an outbreak was removed.

The development of such a convict system for long-sentenced and life-sentenced prisoners in the Andaman Islands was regarded as very satisfactory when I had the opportunity of making inquiries respecting it six years ago. The fourth stage was on a separate island, where the convicts lived in comparative freedom; many convict women were sent out at their own desire to become their wives, and the settlement appeared fully to realize the object intended.

The best treatment of life-sentenced women is a problem more difficult of solution than that of men. The management of convict women is a subject too important to be here briefly discussed. Suffice it to say that Sir Walter Crofton has proved that this can be solved, and it ought to be considered most

carefully in every country. I trust that it will receive the attention it requires from those women, as well as men, whose sound knowledge, large experience, and devoted, loving hearts, inspire them with a faith which can remove mountains.

If there are persons who have so little belief in the possibility of overcoming evil with good, of touching the divine spirit which exists in every child of the Heavenly Father, however perverted and enthralled by the animal nature and passions, we would ask them to turn, for confirmation of the views taken in this paper, to a convict settlement in the centre of India. It is well known that in that country there was a race of natives, the Thugs, whose very religion and social customs were based on professional murder, the secret of which was transmitted from father to son, and the practice was perpetuated from one generation to another. To reform them was impossible; the practice was so completely a part of their nature that even while suffering under punishment they would declare that whenever released they must resume the horrid custom. Some forty years ago, these Thugs, whenever arrested, were subjected to strict imprisonment for life, and industrial training in a place appointed for them. As they appeared reformed, they were admitted to greater liberty, and a village was formed round them, where their families lived. Breach of the regulations was at once punished with return to strict imprisonment. Various branches of skilled labour have been introduced into this Thug village of Jubbulpore, which are now of great importance in a commercial point of view. An excellent influence has been diffused around, and some of those who were born and bred in gaol, are now among the first and wealthiest of the community.

Should such a system as has been here described be carried out there might be the greatest certainty of punishment; society would be secured from fresh injury; while the criminal would have hope inspired into his mind, and the possibility of even in this life spending his life happily and usefully; true repentance might again bring him into harmony with God and man, and prepare him for a better world when called hence by his Creator.

MISCELLANEOUS.

The Rev. THOMAS HUTTON, M.A., rector of Stilton, read a paper on the "Causes and Prevention of Crime." He said that, other circumstances being equal, where education was at

a maximum, crime would be found to be at a minimum. The great prevalence of crime and social misery he attributed to the fact that the reformatory influences of the day had failed to reach, except in a limited degree, the lowest strata of society, from which our criminals generally come. He insisted upon the great importance of home influences, and stated that, where the decencies of life were impossible, the moralities of life could not be expected. He found, as the result of careful observation extending over many years, that 28 per cent. of the prisoners in Northampton gaol were living at the time of their committal to prison in houses with one sleeping room—which was quite enough to destroy all educational and moral influences. He thought it would be necessary to empower County Boards or Boards of Guardians to deal with cottage property now in the hands of persons whose limited means did not enable them to keep it in a proper tenantable condition. Another great cause of crime was vagrancy, which had however, by the Vagrant Act, been reduced since 1868 about 70 per cent. Intemperance he regarded as the ally, patron, or parent of more crime and social misery than all other causes put together. And yet there was nothing more humiliating and discreditable to us than the manner in which this question had been dealt with by all political parties. The Act of 1872, though a step in the right direction, had not been turned to the best account. Its value had been greatly impaired by the frequent extension of the opening hours in cases of fairs, races, and village feasts, just when virtue and morality required additional safeguards for their protection. He rejoiced to think that the conviction was rapidly gaining ground, that it was an infringement of civil liberty and social justice to thrust a demoralising trade on an unwilling community, and then compel it to pay for the consequences in increased rates and taxes. With regard to short sentences on prisoners, he often found that they had a very bad effect. As the length of sentences decreased, the recommittals might be expected to increase, as a natural consequence, and that which was at first but a slight and curable complaint would assume a chronic and malignant character. He argued in favour of cumulative sentences. In regard to juvenile offenders, he thought the magistrates ought to have a discretionary power, and that it was a mistake to make the prison brand a preliminary qualification for the Reformatory School. Before boys were sent to gaol, he thought it would be desirable to try the effect of corporal punishment in the first instance. The reason why Reformatory Schools had not done more to diminish juvenile crime arose from the fact that they

did not reach the fundamental cause of the mischief, namely, parental neglect, one of the chief causes of which was intemperance. In most cases of personal violence amongst adults, especially for assaults on females and children, and also on policemen on duty, he believed corporal punishment would have the most beneficial effect.

Mr. W. J. HAMILTON read a Paper on "Military Industrial Training Schools."—Mr. Hamilton referred to the number of recruits required under existing circumstances, and the quality which had occasionally to be accepted—the fact that in the year 1876, and thenceforth, about 15 per cent. of the army will have to be replenished yearly—that the present system will probably fail to supply the demand for men, or good material for non-commissioned officers. He specified a few of the chief causes. He then proceeded to notice fraudulent enlistments, desertions, discharges for incorrigible bad conduct, physical deterioration, &c., which form a sufficiently large number of cases to call for consideration, not only on account of those who are compelled to associate and work with men who merely keep up a paper strength, and are hard bargains in other ways, but in reference to flooding the country year by year with them after they have attained a smattering of military knowledge, and are unable or indisposed to take their places in the ordinary industrial occupations of the country, thereby adding to local expenditure by contributing to the causes which produce pauperism, vagrancy, and crime. He asked whether it would not be possible to fit some plan into the scheme of general education now being introduced into the country, depending partly on rating and partly on the general fund of the country; whether the country ought not to have a first claim on the services of boys who have been trained in industrial schools; and whether a meritorious service of ten years, either in the army or navy, ought not to be made a condition of civil employment. He then, in order to avert recourse to compulsory service, suggested a somewhat similar system of training, with a view to provide for a portion of the annual casualties in the army, to that which has been so successful in the navy for some years past. He entered into details as to numbers, expenses, system of training, which he suggested should be of a more domiciliary character than that which is generally adopted, and pointed out the advantages of going to the roots of the various sources of unprofitable expenditure, and the ultimate saving which would result; and concluded by stating that everybody who knows the army

must know that its ranks contain amongst each grade men fit to take their places anywhere, that with such a supply of well-trained young men as these schools would regularly ensure, none but desirable recruits need then be admitted, and that thus there would be secured for the army a class of men religiously, morally, socially, intellectually, and physically equal to the men referred to. And as to the reserves, Mr. Hamilton submitted "that men so trained, with their homes and well-trained families, would prove a blessing and source of thoroughly reliable strength to the country." "It would remove some weak points, and lessen the evil effects of others, and make it more dangerous than ever for any enemy to approach us, or seek to interfere with the independence we have inherited at immense cost from those who have gone before us, and which we must all hope to hand down unimpaired to those who may follow us."

A paper was read by Mr. CHARLES THOMPSON on "Convict Labour in Coal Mines." Believing that the present high price of coal was attributable to the scarcity of labour, Mr. Dixon suggests that convict labour be employed in mines, and points out the public advantage to be gained by such a course, at the same time considering it a question of prison reform, and the profitable employment of convict labour, embracing, as it would, the idea of permanent advantage to the released prisoners. In support of his argument he pleads the vast and varied interests absolutely dependent upon a regular supply of coal, and not least the requirements of the English hearth demand most serious consideration. He proposes that Government should be encouraged to acquire one or more coal pits, selected with due regard to railway and shipping facilities, and thereon employ some portion of our convicts for the supply of Government departments only. By making a proper selection and giving additional comforts, and the prospect of a remission of sentence, he had no doubt they could be induced to give that care and attention to their labour which are indispensable to the safe working of coal mines.

Mr. C. SABAPATHI IYAH, of Madras, read a paper "On Indian Prisons." He said that the subject of the right management of our gaols is one of paramount importance, as concerning society in general, and the persons of those concerned in particular. Neglect in doing the utmost to make gaols good, is a grave sin against religion and humanity. We have to view this not as a negative virtue but as a positive duty. The

system, therefore, in every gaol has necessarily to be twofold in its nature—*penal* and *reformatory*. Having described the gaols and the kind of officers they are managed by, the writer goes on to remark that as soon as the criminal enters the gaol he commences with a routine of work, which is extra-mural, or outdoor; or intra-mural, or indoor work. He is turned out at about 7 a.m., or earlier, and taken back by 4 p.m. By half-past 5 he is locked up in a cell, in the company of half-a-hundred and more of criminals, in total darkness, to be let out again after twelve hours' stay there. Here are collected murderers, dacoits, robbers, thugs, cultivators, and farmers, sentenced perhaps for riots and breach of peace in irrigational disputes, and all sorts of characters. Here the desperado exultingly relates to a wondering and admiring audience his bold feats and narrow escapes. It is here the beginner in crime gets an impression upon his mind which hardens his heart, and makes him set at defiance law and justice, rendering him the devoted follower of the demon all his life; and here the juvenile and the beginner get their first and last lessons. And worse than all, you find in one cell in the same gaol all the female prisoners of all characters, ages, and kinds, immured together, with none but men warders guarding and waiting upon them. He then asks, Does it not sound an anomaly to say that two hundred thousands of human beings should be brought up and treated like cattle, and worse, under a wise, humane, and above all, a Christian government? Men converted into demons, a hundred times worse than they previously were, perfectly callous of all shame or remorse, deprived of all reason and good feelings, hardened completely in mind and body, and perfectly reckless of their future, turned out upon the world, a curse to society, unable, if even willing, to earn the ordinary means of honest livelihood, are but results that must inevitably follow imprisonment in such gaols. Can it for a moment be wondered why there is such a heavy percentage of old offenders, and why there is in India a class or caste of people calling themselves 'the thieving class'? The time, he believed, was come for the British public to interfere, to investigate and rectify the matter. He then went into detail as to the want of proper sleeping and other accommodation, the defective nature of gaol establishments generally, the non-introduction of moral training, the want of proper instruction in the way of useful and industrial arts, and, finally, into the culpable neglect of juvenile offenders. At present, magistrates, aware of the want of proper reformatories, sentence the juvenile in the majority of cases to whipping. Large reformatories—one or more in each Presidency—ought

to be established, where all the children sentenced should be sent to receive a very good and practical course of instruction. If a proper remodelling of the prison system should be made and properly carried out, the advantages to the country would be immense and lasting; every step of progress made by the lowest of society would be of the greatest advantage to the nation, and to the country at large. A spirit of emulation would be engendered, and national advance to material prosperity secured on a permanent basis.

EDUCATION.

THE UNIVERSITIES AND SECONDARY SCHOOLS.*

Can the Universities help in the Examination of Secondary Teachers and Secondary Schools? And can they in any way afford the special training required for Secondary Teachers?—By the Rev. L. BRERETON.

A FAIR discussion of these questions seems to require a few previous remarks on the terms, "the Universities," "Secondary Schools," and "Secondary Teachers."

A "University" may be considered to have three proper functions, either of which, fully carried out, would justify an institution, ancient or modern, in holding that honourable title; while all three may be, and in some cases are, jointly and consistently prosecuted in the same University. One function is the guardianship and advancement of learning, or attested knowledge, in all its principal divisions. Another is the instruction of professed students. And the third is the examination of those who claim to have reached certain definite stages of learning. In each of these departments a University justifies its name, and claims to be something higher than a mere examining board, a school, or a scientific institution, on the ground of the comprehensiveness of its aims and attainments. Whatever subject hitherto has been approved as coming within the field of real knowledge, that a University embraces in its studies, its teachings, and its examinations; and whatever new subjects it introduces into these become thereby recognised as proper portions of human science.

Apart, therefore, from the fact that the Universities have accumulated a long and wide experience in the conduct

* See *Transactions*, 1872, p. 56.

of examinations, there is a presumption that they must always be able to sustain a better examination system than any other body, as being peculiarly the inheritors of past learning, and especially in consequence of their inherent tendency to regard all knowledge as a whole, and to refer even the most specialised branches to their cognate branches, and to a common stem. What is commonly acknowledged of University men as examiners is still more true of the University as an examining body, that not only are the special subjects of the actual examination thoroughly understood by the questioner, but also that the relation of these special subjects to others is equally well known.

And when a University does not, as that of London does, confine itself to examining, or depend for its prestige on the excellence of the tests it applies to candidates for degrees, but makes instruction a main portion of its work; and still more when it combines with the instruction of undergraduates the prosecution of farther studies by graduates, the result is that such a University becomes all the better fitted to be an examiner of schools generally. It is indeed difficult to conceive that any other examining body could be found or created which could sustain so effectually and honourably and popularly, from its own inherent resources, the difficult and important work of examining schools.

I will ask to clear the path of my subsequent remarks by intimating that though I shall consider the question proposed for discussion chiefly with reference to Oxford and Cambridge, as Universities with whose system and capabilities alone I have a slight familiarity, I shall presume throughout that the burden and honour of any services that Oxford and Cambridge may be able to render to secondary education will be largely shared by the Metropolitan University, as well as by that of Durham. And especially I shall keep in view those other rising institutions, as Owens College, which throughout the manufacturing districts testify to the need, and may, perhaps, before long lead to the formation of at least one new and comprehensive English University, affecting especially the Northern and Midland portion of the kingdom.

There is one place whose educational reputation ought to be too valuable to the nation that it should be left to rise or dwindle within the limits of a single school. The unseemly disputes between the head master and the under masters of Rugby testify that Arnold's footsteps are beyond the stride of ordinary successors. And, I would ask, has not England some national debt still to pay, in a wide educational memorial, to

the greatest of her schoolmasters? And if avowedly an extension into central middle life of University influence is needed, what place so convenient as Rugby, what name so worthy as Arnold's, to give sanction to the foundation of a modern University?

The term "Secondary," as applied to schools and teachers, is not quite equivalent to intermediate or middle class. It is sometimes used simply with reference to higher education, in order to distinguish the earlier education given in schools from the later course at the Universities. Again, it is frequently used with a reference to elementary education, and in this case by "secondary schools" would be understood all those which are above the elementary system, without regard to any upper limit. Thus, if national education were grouped into a series of systems, that series on an ascending scale would be—

Primary—Schools embraced under the Elementary Education Act.

Secondary—All schools not elementary.

Or, on a descending scale—

Superior—Schools connected more or less with the Universities.

Secondary—Schools not connected with the Universities.

I propose to use the term in its broadest reasonable signification, making it from above include all schools, except the few which may be supposed to have identified themselves with the higher education, either subordinately to the Universities, or in independence of them; and extending it below to all schools which sustain themselves without a Government grant.

By "Secondary teachers" I shall understand all those who, adopting teaching as their profession, are not actually engaged in the few higher or the numerous elementary schools.

It is to be hoped that a time will come when the teaching profession will, like the medical profession, have emancipated itself from exclusive privileges above, and from State aid below, and supply, as one liberal and independent body, the mental wants of all classes of the community.

It is clear, then, that a very large portion of the schools and teachers of the country will be affected by the question "Can the Universities help in the examination of secondary teachers and secondary schools?"

Already in their local examinations, and in undertaking under certain conditions to examine and report on schools, the Universities have shown a disposition to help, and have given proof of their ability to make that help effectual. The question is whether they can extend the work they have entered upon

till the constantly rising wants are supplied, or whether they must surrender, as too large for their resources, the discharge of services for which they are in some respects peculiarly and pre-eminently fitted.

Some who will allow that the Universities are especially qualified to test school work of all kinds do, however, shrink for them from the responsibility of undertaking so vast a work as the examination of all secondary schools. They say that already the resources of the Universities are over-taxed, and that their proper functions of conducting the education of higher and older students, and of prosecuting independent studies, are interfered with by incessant applications for outside work. Especially since within the Universities the old partition walls have been broken down, religious tests abolished, subjects of study multiplied, examinations, degrees, and honours diversified, has more varied work been demanded of the resident teachers; while the competition of the outer world is constantly drawing from them the ability they have signalised, and the valuable characters they have trained. Under these circumstances it would, some think, be imprudent and extravagant for them to take upon themselves an indefinite amount of sub-University work. Let the secondary schools, they say, like the elementary, go to the State for what examinations and inspection they require, and leave the Universities undisturbed in their own higher circle, with their own emoluments and their own duties.

It is not consistent with my present object to inquire how far this limitation of the Universities to an exclusive work in the higher regions of education would have a tendency to lead to a great deal of pretended study and luxurious indulgence within the Universities, and to much grudge and odium provoked by their exclusiveness in the secondary regions of education; or how soon the absorption of the secondary schools into a Government system would drag the Universities into the same net. I am content to urge, on the part of the secondary schools, that they will repay the Universities for all the help they will receive; that both in an upward stream of able and cultivated students, and in accompanying funds, whether from endowed or voluntary sources, they will contribute to the Universities renewed resources, fully equal to any they may exhaust.

Hitherto the cost of the Local Examinations, which by general acknowledgment have been as useful to the country as they have been honourable to the Universities, has been fully paid by the fees of the candidates. No charge has

accrued from them on the other funds of the Universities. These examinations may therefore be looked upon as so much remunerative work, added to whatever resources enable the Universities to retain the services, more or less constant, of their qualified graduates. And since much of the work is done by non-resident graduates, these examinations tend to maintain among those who are scattered over the country a somewhat active connection with the Universities to which they belong. How great an advantage it is to graduates to continue thus connected may, perhaps, be most confidently asserted with regard to my own profession. But it is pleasant to think that as the Universities themselves become more open, with a freer admission of students, and a greater diversity in the destination of graduates, the advantages of holding some University retainer for the purposes of examination, which have been welcome to many English parsonages, are being extended to other ministries, professions, and employments. For, whatever may be said of the work of inspection, the work of examination does not require exclusive devotion to it. It is by its nature casual and intermittent, and admits of wide distribution, and sometimes of minute subdivision.

Though, therefore, it may seem to some on first thoughts a formidable undertaking to examine all the secondary schools of England, and though if one general examining council were formed by the State, its official staff would be a serious addition even to the elastic Civil-servant list of these generous days, yet the same work undertaken by the Universities, and distributed among their graduates, resident and non-resident, would be to a great degree no real burden or strain, but a quiet conversion of much unwilling inertia into cheerful activity. This distributive power of a University has not, perhaps, been sufficiently considered by those who advocate the transfer of all examinations to an official council in London. It really admits of indefinite expansion, and even those who have obtained local certificates with honours might, on their responsibility being ascertained, be employed in extending the examinations by which they themselves were tested and approved.

And here, perhaps, is the place in which I may best indicate what extension of the present University examinations would be necessary in order to satisfy the requirements of the secondary schools and the nation generally.

It has been recommended that all secondary schools shall be classified into three grades, and confined by authority within the limits of age and studies respectively assigned to each

grade. Without committing myself to an assent to this proposal, which if arbitrarily carried out might be far too Procrustean in its first operations, and too stereotypic in its general results, I quite admit that a threefold classification would broadly and sufficiently include all schools above the elementary, and below the higher public schools. But I venture to think that the advantages of this classification would be better attained by a triple system of public examinations than by any arbitrary allocation of the schools themselves. My suggestion would be that the present Local Examinations, which are on a dual system, providing for seniors and juniors, with a preliminary portion for each, should be extended into a triple system, by separating that preliminary portion, and making of it an examination applicable to "third grade" schools. The "junior" examination would then generally test the "second grade," and the "senior" the "first grade" schools. Then those schools which, in the opinion of their masters and governing bodies, had better confine themselves to one or other grade, would regulate their studies principally by one or other of these examinations, while some schools would practically include all three grades in their own organization, and others would rise or fall from circumstances or merit.

These three examinations should, I conceive, to some extent overlap each other, and would thus serve, not like one rigid ladder, but like ascending and descending platforms constantly playing, to enable students with advancing age and merit to ascend regularly from the lower to the higher grades; and at the same time to mark for stimulus or reprobation those who, still professing to be scholars, were standing still or falling back in the proportionate progress of their compeers. The present Local Examinations do not span the whole interval between elementary and higher education, but leave unpenetrated a broad stratum of the lower middle class and third grade schools. Unless some great check and relapse occurs in the progress of elementary education, this neglected portion of the community will be drawn into the Government system from beneath, and greatly add to the momentum with which that system is tending to become dominant in England. The legitimate wish of the country is that there should be an educational ladder reaching from the lower to the higher grades, both of learning and of social position. We can conceive of this ladder either as thrust up from below by the force of a centralised power embedded in the masses of the population, or as let down from above by the spontaneous

action, generous or interested, of the upper classes and the higher institutions. In either case, if the whole middle mass is to be penetrated, a strain and effort is implied which would be avoided if an intermediate series of self-adjusting ladders could be devised, each resting on a local basis, and each reaching to an assigned level. Then the whole scale of social gradations on the one hand, and the full range of studies on the other, might be comprehended in one complete, though free and elastic, system. In such a system the following important principles might be combined:—1. In lieu of one predominant Government centre, three, or perhaps four, free University centres might be entrusted with the work of regulating and conducting the public examinations. 2. In co-operation with these Universities, three or four educational provinces might be charged, each within their respective portions of the nation, with the general grouping of examination centres, of endowments, and of schools and colleges. 3. These larger groups might again be subdivided into their own counties, boroughs, and unions of parishes, each to become local educational areas, with a corresponding adaptation of the three grades of secondary examination, the senior, the junior, and the preliminary, and a further local adjustment of endowments and schools.

Reverting to the suggestion that the great energies and aspirations of what are called the manufacturing districts, that is, of the Northern and Midland portion of the kingdom, might be drawn into a new University system, with Rugby for its base, we should in that case have Oxford, Cambridge, London, and Rugby, four equidistant centres, whence the circuits of the local examinations could be systematically conducted. From each of these centres once, annually, though in different quarters of the year, a full course of triple examinations would traverse the country. The several examinations would be, on the whole, of equal value in the respective portions, though freedom in the selection and appraisement of subjects would be maintained. One class of studies might obtain greater prominence than another, according to the older traditions or present bias of the several Universities. Thus, useful observation in one case, facile communication in another, correct reasoning in a third, and appreciative taste in the fourth, might be the favourite objects of the examiners, and without any unfairness give a colouring to the examination. Monotony and uniformity, the great danger of all systems, would be avoided. Free play would be given to the preference of parents, students, and teachers, in selecting such of the

examinations as the after destination, the natural taste, or the necessary training of individuals or classes might require.

But the chief advantage of four University centres would be found in the greater scope given to the training of secondary teachers. I take it to be assumed, both by the second part of the question proposed for discussion in the present Paper, and by tacit acknowledgment of all who know something of the practical problem of middle-class, and indeed of higher, education, that in future some training of masters in the art of tuition, in addition to certificates of knowledge, will be insisted on. Where can these future training institutions be founded with the best prospect of teaching the required art without separating the technical accomplishment from the wider influences of general knowledge and culture? The simplest answer is, place such institutions in the very focus of the University systems. Let Cambridge and Oxford each have not only their graduated series of examinations and local circuits, but also their training colleges for teachers, with competent staff and appliances. And if it is reasonable to suppose that, without excessive effort, Oxford and Cambridge could not between them expect to cover more than half the wide field of national education, the deficiency might be supplied by corresponding training institutions, planted in the metropolis and in some convenient Northern or Midland centre, such as I have suggested in naming Rugby, or what, perhaps, would be on some grounds a better centre, York. The future masters of England would not then be all of one type, though none need fall below a definite standard. Wherever classical or mathematical teaching might be specially in demand, an Oxford or Cambridge master would, in addition to his personal attainments, bring assurance that his training had been of the best kind. Similarly, if modern languages or applied science were preferred, the London or the Northern Universities might be presumed to have given to the masters trained in them the best possible guidance. At the same time, each training college being by supposition planted within a University, no branch of knowledge need be ignored in any, but competence and excellence in all subjects would be encouraged.

The successful establishment of training institutions for secondary masters within the Universities would, perhaps, principally depend on such arrangements being made as would make their influence and attraction felt at an earlier age, if not in somewhat lower strata of society, than is the case in the existing system of undergraduates and graduates. A modification of the pupil-teacher system might ao lv to schools far

above the elementary. And now that it is insisted that the benefit of endowments ought to be assigned solely according to merit, i.e. according to the ability and perseverance of students as ascertained through competitive examinations, it is a fair question to ask whether endowments so apportioned should not be regarded somewhat in the nature of apprenticeships, binding those who receive the emoluments to make some after repayment or to communicate as teachers to other learners some of the advantages they, through the founders' provision, have themselves enjoyed. We must remember that the term "merit," or "earning," implies service rendered to others, and involves a principle which is entirely neglected when the reward of public endowments is appropriated to those who have been rendering service only to themselves. So important, indeed, is it to the community that as many as possible should be stimulated to exertion, even for their own advantage, that public honour may very properly wait upon distinguished personal acquirements. But emoluments, as distinct from honours, when assigned for "merit" ought to be either a reward for past or a pledge for future services. There is frequently a well-founded disappointment and even disgust at the result of endowments, when it is found that they merely have helped the idle to enjoy themselves, and the ignorant to wear badges of learning. But that disappointment and disgust are not altogether removed when the gifts of benefactors become merely so much addition to the gains of the clever, the savings of the careful, and the prosperity of the prosperous.

I must not dwell further on this subject now, except to repeat that any institutions intended to produce masters for the future schools should, while centering in the Universities, be made to descend lower than the ordinary University limits of age and station; and further, be so combined with general and local endowments as to ensure to the whole nation, and to successive generations, the ultimate advantage of improved teaching over and beyond the immediate benefit to individuals already gifted by Providence, or to localities favoured by founders.

But while the Universities, acting at once independently and in concert among themselves, might undertake generally the conduct of examinations and the training of masters, it should devolve on those really interested—the inhabitants, the citizens—to sustain the machinery through which these examinations and teachers are to be brought in connection with schools, public, semi-public, or private, and so educate, in ascending yet harmonious grades, the whole population. For

this purpose something more (some would say something less) than an Endowed Schools Commission is necessary. While heartily agreeing with the Schools Inquiry Commission that a county organization would ultimately be the best, I venture to think that as an intermediate step a simpler and more massive grouping than that of the registration counties would be practicable and efficient. Four educational provinces, a northern, southern, eastern, and western, each with an educational council and office of its own, closely connected with one or other of the Universities, would, I imagine, call into existence and expression that effective public opinion without which any educational reforms are so difficult to attempt, and so barren when effected.

Much disappointment has been felt that the Government when dealing with secondary education did not attempt to carry out the provincial portion of the recommendations of the Schools Inquiry Commission, but confined themselves to the creation of a Central Endowed Schools Commission, while indicating their purpose to create also a Central Examining Council. It has been explained that the Government did not disapprove of the "local" recommendations, but was deterred from dealing with them by the great difficulty it foresaw in determining any principle upon which provincial or county educational authorities should be appointed. At a time when the whole local machinery of England is confessedly out of gear, and the statesman who shall be able to restore or replace it, if born, has not yet been indicated by any premonitory success, a Government may, perhaps, be pardoned which hesitated to embarrass further the creaking and groaning wheels with any share of the troublesome work of Educational Reform. There is, however, room to think that the difficulties which have notoriously checked and jeopardised the operation of the Endowed Schools Commission would have been removed or lessened if the problem, as proposed for practical solution by the Inquiry Commission, had been grappled with in its integrity. As it is there is a real danger that more harm than good will have been done to the cause of education. A snubbed commission, an arrested reform are ominous of discouragement and stagnation, to be followed by the violence and confiscation which have so far been both menaced and feared rather in imagination than reality. The Conservative reaction will have set in before a Liberal impulse has been effectually received. It is, however, possible that a political lull may offer a favourable opportunity for re-considering the difficulty about local education which has confessedly baffled those entrusted with the charge of secondary school legislation.

There are four distinct interests concerned in public education. There is the interest of the instructor; of the instructed; of the community, local or general; and lastly, of the property embarked. The two former interests will probably be best confided for protection and representation to the Universities as their operations and influence are extended. The interest of the community, whether small or large—a district, a borough, a county, or a province—can be readily represented through the magnates and notables, the Lords Lieutenant, the Mayors, the Chairmen, &c. The interest of the educational property would, I believe, be best secured by combining, as far as possible, in joint undertakings, the commercial principle with the endowed principle, that is, by a union of directors and trustees, the one representing ordinary capital, the other endowed capital. The more education is becoming every year an object of desire in all classes, the more does the commercial principle apply to it. What people are anxious to buy will not really be given, but sold; though the halo of endowment may somewhat bewilder both tutor and parent, and, whether by coruscation or obfuscation, take school and college bills out of the ordinary complexion of commercial transactions. One important result of the general demand for education should be that the capital of endowments should pass gradually from its present position of secure investment to that of productive, if hazarded, employment. Unless this is done the endowments will continue to have an obstructive effect. They will hinder the free operation of ordinary capital, and perpetuate the discreditable state which now characterises the secondary education of England, which may be summarised as ineffective grammar schools, supplemented by unsuccessful commercial schools.

I have reached the limits of my paper, though I have hardly approached the outskirts of my subject. The suggestions I have ventured to make in reply to the questions proposed are:—1. That the University Local Examinations be extended so as to cover the whole range of secondary schools, and sustained in three divisions, "senior," "junior," and "preliminary," applicable severally to first, second, and third grade schools. 2. That training colleges for secondary masters should be established in each University, and that these training colleges should be adapted to receive students at a younger age than that at which they are now ordinarily admitted into the Universities, in order that the influence of the University may be felt at a lower level of society than it now reaches. 3. That the University system should cover the country by adding to Oxford, and Cambridge, and London a Northern or

Midland University, and so distributing the greater work which the country is beginning to expect from Universities into four centres. 4. That instead of one educational council in London, four provincial councils, each connected with a University, should group the middle classes, with the secondary schools and examinations, into a northern, southern, eastern, and western system. 5. That subordinate to these provinces, the counties, boroughs, and unions of parishes should each become educational areas; and, (6) lastly, that the administration of the endowed property should be conducted more and more on commercial principles, the capital being embarked in the business of education, and the accruing profits assigned so as to advance education as a whole; and, while paying due regard to founders' special intentions, to ensure that their *combined* benefactions shall (as they would indisputably have desired) confer progressive benefit on the nation at large.

DISCUSSION.

Mr. James Heywood, F.R.S. (London), thought the third division proposed by Mr. Brereton would be required in order to carry out a complete national system of education. By adding a preliminary examination to the other duties now performed by the Universities, the children of poor people would have an opportunity, which they did not now possess, of receiving a higher education, and so obtain a better position in life. Though this chance was at present so comparatively rare, boys of a poor origin had risen to the dignity of bishops of the Church of England, by means of fellowships and other incentives placed within their reach. With regard to the four University centres, he urged that the centre for the northern portion of England should not be at Rugby but at Manchester, because the latter city really belonged to the northern counties, while Rugby was very near to London. Besides, at Manchester, there was a large and useful institution, Owen's College, founded by a wealthy manufacturer, which was fast growing into the position of a University for the north. Very shortly new buildings would be opened, in order to afford increased facilities for carrying on educational work there. He was acquainted with the character of the instruction given at Owen's College; and he could confidently say that as far as the chemical school was concerned not one in the three kingdoms could equal it. The College had all the appliances at hand to enable it to carry out the plan suggested by Mr. Brereton, while it possessed this important advantage over Rugby, that it was situate in the midst of great manufacturing industries and commercial interests, not in Manchester alone, but in other towns and counties in the north of England. As the president of the department belonged to Scotland, perhaps students would come from the far north

as well. Mr. Brereton desired training schools in the University centres. However desirable their establishment might be, the first question to answer was, where would the funds come from? It was not likely that any great subscription would be raised for the purpose. A Royal Commission, appointed to inquire into the system of scientific instruction, had stated in their third report, recently published, that they paid especial attention to the endowments of Oxford and Cambridge, more particularly to their fellowships. The Commissioners found a large number of sinecure fellowships, amounting to something like 140,000*l.* A great deal of it was divided into fellowships of 300*l.* a year each. What the Commissioners recommended was that the surplus should be subject to some sort of revision. They did not state their views upon that point with much definiteness, but they observed that among the persons who held office in the Universities of Oxford and Cambridge, and who were engaged in teaching, there was a wide-spread feeling that these sinecure fellowships ought to be looked into, as well as other institutions which were now undergoing investigation. For his part he thought that, after the fair wants of the students at the Universities had been provided for, a surplus would remain which might be devoted to training schools for teachers. He did not say how much or how little should be so applied. Under the old system hardly anything could be taught but Latin and Greek. They were now teaching mathematics in addition. More instruction was needed in modern languages. Lord Raglan, during the Crimean War, had four aides-de-camp; yet only one of them could write a letter in French, at a time, too, when our army was closely allied with that of France. One other aide-de-camp had learned something of the language, not at any University, but through the governess at home; he was entirely unacquainted with military terms. He mentioned this evil, because so many young men, even of high family, went to the best schools in the country, to Eton or Harrow, where their parents wished them to have a genteel education; and yet, after all, they were unable to write in French a letter requiring a knowledge of military terms. For want of such acquirements the trade of the country was passing into the hands of foreigners, who came to settle in our great towns, because they were able to write German and French letters and conduct business correspondence with distant countries. With regard also to commerce, the English people would, no doubt, take a better position among nations, if the rising generation were only made more intimately acquainted with modern languages. The revision of the system of educating teachers, with a view to their being required to know foreign languages before they became masters of schools, was very desirable, and such a condition might be of great advantage to the commerce of the country. Much public attention had been directed to elementary instruction, to the neglect of secondary schools, with respect to which it was a great mistake to suppose that, because the children sent there had parents who were tolerably well off, their education was sure to be well looked after, in accordance with the requirements of the present day. The fact was, we were still under the rule

established hundreds of years ago; we had not shaken off the shackles imposed on us in the reign of Queen Elizabeth.

The Rev. A. JESSOPP, D.D. (Norwich) said his present impression was, so far as the question forming the title of the paper was concerned, that the author had himself answered it in the negative; at any rate, if he had answered the question at all, his reply was in effect that the Universities cannot help in the examination of secondary teachers and schools. The term 'University' was an ambiguous one, and had for a long time past been used in many senses. You might talk of the Universities of Cambridge and Oxford with reference either to their buildings, endowments, or *personnel*. The present question under discussion was not about the buildings, but rather affected the *personnel* of the Universities. The paper desiderated the founding of some new college or new professorship at the existing Universities, at the same time admitting that there were difficulties in the way. The newest sense in which the term "University" was used, implied that non-residents should be dealt with as if they were residents. It appeared to him, that when they talked of a University as a corporate body, whose office was to examine and instruct, they were really dealing with a body who ought to be paid for the examination and for the instruction. He was wholly aghast at the proposal that the *personnel* of the colleges should examine secondary schools, and at the statement that they were fitted, at the present moment, to go into the country and examine all those schools, when the same men were now breaking down under the enormous weight of attempting to examine picked scholars. Had we such a mighty army as to be able to send men into every secondary school in the country, to inspect them, and, to a certain extent, direct the studies of the scholars? There could be but one answer to that question, on looking at the electoral roll. There were, at the present time, 358 fellows at the University of Cambridge, 17 heads, 34 professors, 12 officials, besides 100 married men, who could not participate in the endowments by reason of their marriage, the latter including lawyers, doctors, and other professional men who had happened to be graduates. These numbers gave a total of 521, out of which there were at least 220 non-residents; so that, in point of fact, there were only 220 in receipt of University endowments, and doing tuitional work there. Would anyone say there was anything like an approach to the number of men that would be necessary to take the supervision and examination of all the secondary schools in the kingdom? It was simply impossible. Was it advisable? He did not think it was advisable to turn fellows of colleges into a set of itinerant examiners and inspectors. It was unadvisable, whether for the interests of the men themselves, the cause of learning, or the good of the schools; for who would these examiners be? The resident men at Cambridge were, as a rule, men of small ambition, who were content to look forward to the comfortable country living which would no doubt come to them in course of time, without trying their patience too long—men with none of that dash which would lead them into public life; not men at the bar, not medical men, not men who entered the great fight of life in the big world. Was the University of Cambridge a learned, or even a studious body

in any sense? Why, there were not a dozen men in that University among the resident fellows who were known to the world of literature, or even to that of science. There were not men enough to count on his fingers who had a University reputation. He lamented this state of things, and thought it was a scandal in these times. It would be exceedingly harmful to the intellectual life of either University if young men were taken away just when they ought to be studying. The tendency of the proposed examinations would be to substitute, in the schools, for literary training, a mere technical—he would not say scientific—training; the curriculum of the schools would be greatly narrowed, and the schools broken up into special schools for the study of special subjects; while the effect upon the Universities would probably be to drive learning and literature away from their real home. The question under consideration was one which he certainly was not disposed to say should be answered in the affirmative. After 18 years experience as a schoolmaster—and he never had a candidate who was rejected—he could not say that he regarded the present system of examination of schools, this perpetual digging at the roots of our training system to see how things were growing, as an unmixed good.

Mr. Joseph Payne (London) thanked the preceding speaker for having shivered the cobwebs with which the paper had obscured the question at issue. It was an easy matter to build a castle in the air; even to say what rooms it should have, and make everything connected with it complete, except the foundation of the edifice. There appeared to be much of that kind of castle-building in the paper. For his part, he could not see any real connection between the ends and the means; and he agreed with Dr. Jessopp that the author himself had answered the question in the negative rather than in the affirmative, since he had given *data* showing plainly enough that the Universities could not help in these examinations of secondary teachers and schools; at all events, it was not shown how they could undertake such an onerous work as that. They had not the apparatus to enable them to do it; and even if they had, he concurred in Dr. Jessopp's opinion, that it would be unadvisable to put the proposed scheme into practice, as the means suggested for carrying it out did not appear to contain the elements of success. It was desirable there should be a certain amount of examination in all matters which concerned the public; but he could not help thinking that many persons were going examination-mad at the present moment. They were going down a precipice at a most violent rate, and would be dashed to pieces, unless they could regulate the movement and pace they were going at. Instead of pulling up the roots to see how the plants were growing, and repeating that process again and again, it would be better to study the nature of the plants as they grew, and all the influences which in any way affected them, with a view to bring these influences under a system, so that the plants might have the full benefit of experience as to what circumstances were most favourable to their growth and strength. He agreed with Mr. Heywood that there ought to be introduced into the curriculum of lower and secondary education some subjects which were not at present made the best of. In some foreign elementary schools he had

visited, there were girls of ten years of age who had acquired a considerable knowledge of the English language. Dr. Jessopp questioned whether the training of teachers in special colleges could be really carried out. One of the principal reasons why this could not be done was that the ideal of the proposed examination had itself to be created, as none had been shadowed forth by the author of the paper. The question of training teachers had occupied the attention of a number of masters who occupied honourable and distinguished positions, many of them being personally known to him as gentlemen of liberal sentiments. They had expressed a desire to do all in their power for the promotion of education generally; and, after two or three discussions, had resolved that an attempt should be made to provide means for initiating persons who were intended to act as teachers in public schools or secondary schools in the science and art of education, so that they might have a proper idea of the kind of work they were to undertake, and also know the best methods of setting about it. Certain distinguished men at Cambridge and Oxford, leaders of public opinion, were asked to state in what way the Universities could help, not in the examinations, but in the preparation of secondary schools. The answers were all discouraging. It was said no ideal had been found of any scheme in which the Universities might take a useful part; and thus the question remained unsettled.

Mr. J. A. Bremner (Manchester) referred to the wants in manufacturing districts, and desired to know whether those wants could not be supplied by existing Universities. The great desideratum among the manufacturing classes was the spread of scientific instruction; and the question was, how could this be given with the least possible loss of time to those who were to receive it. Owen's College might worthily be mentioned as an example of the great zeal and deep interest which Manchester took in the higher branches of instruction; and if another University were to be established in England, it ought certainly to be Owen's College. In Lancashire, Cheshire, and Yorkshire there were unions of institutes, whose object was to disseminate among the working classes scientific and art knowledge. He was connected with one of the most important of these institutions, viz., the Union of Lancashire and Cheshire Institutes. The great point was to find a sufficient number of able teachers, and the Universities did much towards supplying that want. The Oxford and Cambridge local examinations had helped to bridge over the gulf between our great colleges and the manufacturing communities. There was one question which had been but lightly touched upon, perhaps it was because it was a somewhat delicate one. It was the position of holders of fellowships in relation to the country at large. Their position was not a very enviable one. They, no doubt, had a right to the privileges they held; but there were two kinds of right —technical and moral; and, with all deference to their rights, he maintained that the country had a sort of moral claim upon holders of fellowships to do all they could for the diffusion of higher education throughout the country. He suggested that they might be engaged as lecturers, and in that way a stimulus would be given to working people to search for knowledge.

Mr. L. P. Metham (Devonport) agreed with the first speaker that the surplus funds of the Universities might be used in training teachers to superintend schools. The question would have to be considered by the middle classes themselves, as it was one directly affecting them. The present conditions of education were such that, while the upper classes could send their children to the very best schools, and the lower classes were already making great strides towards a better kind of education than they had before enjoyed, the middle classes remained as they were; and their position would not improve unless they devised some method for testing the qualifications of the teachers to whom they committed the education of their children.

The Rev. J. Rust (Pembroke College, Cambridge) denied the accuracy of Dr. Jessopp's statement that there were so few literary and scientific men at Cambridge. With regard to the funds of the Universities, he believed that when the Royal Commission finally reported the country would have a clear understanding of the whole subject. It was supposed by many persons that a large amount of money would be obtainable for general purposes, by means of limiting the tenure of non-residents' fellowships. He believed the amount available would be large, but not so enormous as some persons imagined. At present college officers were underpaid. The bursar or treasurer was paid only a small salary, because he had a fellowship. His salary would have to be increased, and a great portion of the funds must be reserved as prizes. With reference to the examination of secondary schools, University men had already experience of that. He had examined one large school twice—a middle-class school at Framlingham. This kind of work might be done not only by resident fellows, but also by country clergymen, who would be available for the purpose more than any other class, because they had the power of arranging their clerical work so as to set apart a week in the middle of the year for conducting an examination without much inconvenience. In either case, whether the examiners were resident fellows or country clergymen, the examinations would have to be so arranged as to make a system that would be general and efficient in its operation. The scheme laid down in the paper was so wide in its scope that he hardly thought it practicable. The whole University system would first have to be enlarged, and that could not be done without an Act of Parliament. The question was, what could the Universities do in this matter as they were at present constituted? Local examinations did much, but they did not accomplish everything that was desired; they passed good boys out of the schools into the Universities, but they did not examine the schools themselves. Two great difficulties stood in the way. One was, that the first-rate schools had their own private examiners, generally friends of the headmasters, and they did not care to alter their arrangements, which had now been in force for some years past. Then there were the second-rate schools. These found examinations to be expensive, and he did not think a second-rate school could afford to pay say 30*l.* to be examined once a year. Therefore, he concluded that, if the Universities undertook the examining of secondary schools, they could only do the work by creating the profession of examiner or inspector. But where the funds

were to come from for such a purpose he could not tell. If any of the non-residents' fellowships might be used for establishing this profession so much the better, since the object seemed to be a laudable and good one. If the fellowships could not be so applied, then the payment of the examiners must come from the secondary schools themselves; and they would have to be taxed for the inspection of their schools, as the general community were now taxed to supply the fund for the inspection of elementary schools. He was quite sure that, so far as the Universities were concerned, they were most anxious to assist in promoting education in the country at large in every possible way. The local examination scheme was nowhere more heartily supported than at Cambridge. If the Universities were falling behind as leaders of education, it was certainly through no unwillingness to do all in their power to promote education. At present they wished to know the best way of doing the work. In reply to Dr. Jessopp, he could name at least ten men at Cambridge who were leaders of education.

Mr. William Botley (London) wished to corroborate what Mr. Heywood had said of Owen's College, more particularly with regard to the superior lectures on chemistry that Professor Roscoe gave there. As to modern languages, hundreds of young men in the middle classes were being elbowed out of the field by Germans of their own age, because the former did not know the German language well enough to conduct commercial correspondence. The same remark applied to French.

The Rev. J. M. Du Port (Norwich) said no public school, perhaps, stood as high as did Wellington College. There all the boys that learned classics were obliged also to learn French and German; while a large number, who did not learn classics, were instructed in French and German, as well as mathematics. Therefore, it could not be said with truth that the teaching of modern languages was wholly neglected in our public schools. He did not think that French and German were anything like equal to Latin, Greek, and mathematics for testing the acquirement of knowledge. He had examined the boys at Wellington College, ever since it was a college, in French and also in mathematics, and the result of his observation was this: boys who gave up learning French towards the close of their career at college, and devoted the time to German, learned classics as well, and they could pass an examination in French, not, perhaps, in the technical parts of grammar, but in such work as translation, in an equally, if not superior manner to those boys whose education had been confined merely to German and French. That result convinced him that French and German were not equal to Latin and Greek as subjects for training the mind. Besides, no French grammar that he knew formed so accurate a basis of education as did the Latin grammars now in use. The former were more loose in their definitions than the latter. Then the French being a living language was not crystallised, and therefore could not be as accurate in all respects as a language like the Latin, which had ceased to be spoken, and was not undergoing alteration.

The President, closing the discussion, regretted the absence of Mr

Brereton, who was thereby prevented from replying to the various questions which had been raised in the course of debate. For his part, he regretted that neither the author of the paper, nor any of the gentlemen who had spoken upon it, had taken the least notice of the College of Science established at Newcastle in conjunction with the College of Durham, because that college was doing a great deal towards advancing knowledge among the population of the north that came within its range; in fact, it had already done much to supply the deficiency which Mr. Brereton had pointed out. Edinburgh in this matter, he assured Mr. Heywood, was not behindhand. He was glad to say that at a meeting of the Educational Institute of Scotland a most interesting memorial was read from the Northern Union of Schoolmasters, recommending to the great body of schoolmasters throughout the country the importance of establishing a professorship of education in one or two of the great Scottish Universities. Whether that project, which would probably have to be established by subscription, could be carried out in that particular form or not remained to be seen; but at any rate the mere proposal would have a powerful effect in bringing out a similar plan from another source. He trusted that the Universities of Edinburgh and Glasgow would have a professorship of education similar to that already existing at the College of Preceptors in London. In those central positions, which were accessible to various schools, such a professorship was found of great service. The instruction, he thought, should not be purely theoretical, but enforced by experiments in the schools themselves. Scotland was doing something to solve the question suggested in Mr. Brereton's paper, and much in the way of examining secondary schools and teachers; and he could only express the hope that its experience would be of practical service, in removing at least some of the difficulties which had been brought to light in discussions like the present.

INDUSTRIAL FEEDING SCHOOLS.*

How can Education be brought to bear on the hitherto untouched portions of the population?

MISS Mary Carpenter read a paper on the question, in which she observed that the Government had dealt with crime and deliberated in the Council of the Nation on the true principles of the treatment of criminals; it had undertaken to reform our juvenile delinquents; and had attempted with money, well spent, to transform into respectable and self-supporting citizens young persons who had transgressed the law. It had also made wise and merciful provision for those children who were in a state of proclivity

* See *Transactions*, 1872, p. 198.

to crime without proper guardianship—it had rescued them in tender years from the stigma of having been in jail, and had arranged for their having such an education as might enable them to make a fair start in life. A hundred pounds for each child was not deemed too much to secure such results, and it was thought better to adopt the same plan in certified industrial schools in regard to those children who lived unguarded in the streets. The ragged school movement commenced in the year 1845, and rapidly developed in the metropolis. A similar movement had been started at the same time in various large towns. The schools thus established revealed to the public the extent of the large underlying stratum of the population, thousands of the children of whom, if not properly provided for, would, when they were mature in years and crime, have filled our jails and workhouses, and helped to people our newly-settled colonies. To speak of that portion of the population as simply being untouched by the education afforded by the British and National Schools would not give an adequate idea of their position. They were beyond the reach of any ordinary civilised mind. That particular stratum of society was without the pale of society and at war with it. The first touch of human sympathy was felt by them within the jail, and the first education in knowledge, as well as in virtue, was received within those gloomy walls. The ragged schools, first commenced in 1845, first brought these things under the notice of the public, and revealed the necessity of dealing with such children, when falling into the hands of justice, in some way very different from the prison. Miss Carpenter showed that notwithstanding all the provisions made by the Government and by private individuals interested for the protection and education of young offenders and destitute children in reformatories, certified industrial schools, and workhouse schools, a large residuum remained, and always had remained, who were untouched by any educational institutions, and who formed a constant supply to these expensive boarding-schools. Fully half the children who were sent to the Red Lodge Girls' Reformatory were absolutely ignorant, and very few had any available education. A girl of fourteen, recently admitted, could not even count, and was one of a family of twelve similarly circumstanced. The old Ragged Schools could not grapple with this class, and the School Boards were unable to touch them. A fresh agency must be employed. These children were uncivilised and half-fed. They could not be admitted to the National and British Schools. They required special schools where they would be taught industry as well as learning, and where they would

receive some food, to enable them to remain the greater part of the day. A conference on criminal and destitute juveniles met at Birmingham in December 1851, and memorialised the Committee of the Council on Education on the subject, pointing out the necessity of a different class of school to meet the real wants of these children. The day and industrial feeding schools of Aberdeen had already shown what was wanted. Dr. Guthrie and Sheriff Watson had practically demonstrated the possibility of transforming street Arabs and vagrant children into respectable citizens. In 1861 a Parliamentary committee reported that such children must still be left to private benevolence. Those School Boards who were now zealously setting to work to go to the root of the evil soon found their difficulty. It does indeed appear unjust that dissolute and neglectful parents should have their children educated at a boarding-school, at an expense of 20*l.* or more per annum to the country, and many magistrates have hesitated to sentence rebellious children for five years, or even more, to an industrial school, when steady, firm discipline might be sufficient to reclaim them without.

Miss Carpenter then quoted a passage from the last Report of Her Majesty's Inspector of Reformatories and Certified Industrial Schools, the Rev. Sydney Turner. She said: I see no remedy for the difficulties which now obstruct the thoroughly successful working of the reformatory system but such a closer definition of the classes to which the Industrial Schools Act shall apply, on the one hand, as will restrict its operation to those whose full guardianship society is really interested and bound to assume, and the encouragement of such industrial day-schools, on the other, as will provide sufficiently for the control and training of the merely disorderly and neglected children, who are now sent to the certified boarding-schools, at an unnecessary cost to the public, and at the price of a separation from the relatives and circumstances through which they would probably obtain employment, and be put in the way of earning a livelihood at a much earlier date. I had expected that the establishment of School Boards in our larger towns, and their exercise of the power of enforcing attendance at ordinary day-schools, would have materially lessened the number of the disorderly and neglected children, for whose better training and restraint the provisions of the Industrial Schools Act have hitherto been so freely applied, but my anticipations have as yet been entirely disappointed; and, from the information I have received from the School Boards of our largest centres of population, I

am led unwillingly to the conclusion that the "Arab class" of children, as they are called, cannot be reached by the powers and provisions of the Education Act as it now stands, or by the purely instructional machinery which it recognises; and unless the intermediate and far cheaper form of industrial school which I have before spoken of be adopted—namely, the day-feeding (industrial) school, in which the children shall be employed and partially fed as well as taught, but shall not be lodged nor clothed—I see no prospect for lessening the demand for the present expensive boarding-schools recognised by the Industrial Schools Act; rather I can have no doubt that these schools will be considerably multiplied; and although by the regulations approved of last year the Government allowance for all schools certified after March 31, 1872, is reduced from 5*s.* to 3*s.* 6*d.* per week, so as to throw a larger and fairer proportion of their cost upon the locality which needs them, I apprehend that the charge for industrial schools to the Treasury, no less than to the rates, will be very largely increased. The number of children sent to certified industrial schools in the year 1872, through the agency of School Boards, was 622, and there appears to be no cessation in the movement. In fact, the commitment of a neglected child to an industrial school solves so completely and so easily the difficulties as to compulsory attendance, on the one hand, and the payment of fees to denominational schools, on the other hand, that it is naturally resorted to. Unfortunately, the process involves a large cost to the public, and inevitably relieves the careless or the merely indigent parents from responsibilities and burdens which they should either be required to struggle with themselves, or be assisted under by parochial authority. It is with great satisfaction that I note that a memorial has been recently presented to the Education Department by the Bristol School Board,*

* To the Right Hon. the Lords of the Committee of Council on Education.—The Memorial of the Bristol School Board sheweth—That in carrying out the provisions of the Elementary Education Act, 1870, your memorialists have found themselves unable to deal with the following classes of children, viz.: 1. Those whose parents cannot, in the opinion of the Guardians of the Poor, supply them with proper food. 2. Those whose clothing unfits them to attend an ordinary elementary school. 3. Those whose parents plead that they have not such control over them as to secure their attendance at school. Your memorialists find themselves practically precluded from dealing with children of the first and second classes, from the fact that their condition unfits them for admission into any ordinary school. To proceed against uncontrollable children under the 16th section of the Industrial Schools Act, 1866, is found difficult in practice, and such procedure, if applied to so numerous a class, would lay upon the ratepayers a heavy pecuniary burden. Your memorialists are of opinion that if day schools were established in which children could be fed and could receive efficient elementary instruction, combined with some industrial employment, and in which they

recommending the adoption of the system of day industrial schools for the instruction and management of the "Arab classes" of our juvenile population. The representations of the Board have very strong claims on public attention, for in no large town or city has the Education Act been carried out with more ability, fairness, and success than in Bristol. I have little doubt that their experience of the real difficulties of the question would be supported and confirmed by those who have really studied and tried to grapple with it in all our great centres of population.

Miss Carpenter concluded by stating that these industrial day-schools should be established by the School Boards, for they should be supported by the localities where they are needed, with the exception of the educational aid which is granted by the Committee of Council to schools under the School Boards. It is no longer a matter of theory whether these schools can reach the class intended; the actual working of that which is now under the management of the Bristol School Board has proved that by such means the very lowest children can be reached, and that they can be induced to attend regularly, as far as is compatible with the irregular lives of their parents, many of whom, from time to time, reside for a while in the workhouse. In such a school, specially adapted to their wants, the children improve in character and habits, and are prepared to earn their living. But it will be necessary that special requirements should be made by the Education Department for the teachers in such schools, who do not need the high attainments necessary for the present certificates, but do need others more important. A longer period of industrial work is required, and the intellectual results should be of a lower grade than those appointed for a higher class of children. Such arrangements being made, there will be needed for School Boards some further power to enable them to establish such schools and to send children to them; there will also be needed the power to feed the children, and to recover the cost from the guardians of the poor, when the children are

might, during the whole day, be kept from evil influences, the difficulties above-mentioned would be in a great measure removed. Your memorialists therefore suggest that power be given to School Boards—To establish and maintain day industrial feeding schools; to compel children of the above classes to attend such schools; and to recover from parents, or, in the cases of pauper children, from the guardians of the poor, the whole proportionate cost of each child's food and teaching. Your memorialists further recommend that the cost of food shall not exceed one shilling and sixpence per week for each child, and that in those cases in which the amount is not paid by the guardians of the poor, it be made the duty of School Boards to take steps to recover it from the parents.

chargeable, or from the parents, who must not be encouraged in neglect. These requirements are embodied in the three following proportions:—

"1. Power to School Boards to establish and maintain such day industrial (feeding) schools, the expense for food not exceeding 1*s.* 6*d.* a week for each child; or to certify as fit and proper such schools established by voluntary effort, and to make the necessary allowances to the managers.

"2. Power to send, compulsorily, to such day industrial (feeding) schools all children who cannot or will not attend the ordinary elementary school.

"3. Power to recover from parents the whole or part of the money so spent in food, and from the guardians of the poor the whole of the expense of food and education, if the child is chargeable."

The Rev. Brooke Lambert read a second paper on the same subject. The untouched portions of the population, he said, were considered to be synonymous with the Arabs in large towns. Two principles had been tried for their reformation—compulsion and persuasion—compulsion as in industrial schools, persuasion as in ragged schools. Since neither force applied singly had succeeded in producing the required result, possibly it might be produced by their combination. The Industrial Schools Act of 1866 had failed because there were not schools enough to receive the scholars had all the Arabs been swept in, and because it was found that to commit many of them would be a direct premium on negligence on the part of the parents. On the other hand, ragged schools had failed from the lack of discipline and systematic instruction, and also because they attracted children not necessarily of the poorest but of the most dissolute class. To improve these last-named schools, a new plan had been suggested by Miss Carpenter—to make them industrial day schools, in which the children would be fed. To this he objected that, though the education might be improved by industrial training, yet that the addition of feeding would put too great a temptation in the way of the struggling poor. The industrial training would indeed have this danger, that it would give an apprenticeship without fee, and thus become a premium on rags and filth; but he would have been prepared to give the system a trial if it had not been for the proposal to find the children food. If the existence of neglect relieved the parent from all responsibility and put his children in a better position than that of the honest parent, general demoralisation must result. Mr. Lambert

then proceeded to expound a plan, the main features of which had been suggested by the Rev. Llewelyn Davies, of the London School Board. This was the establishment of what might be called parliamentary, or third class, schools, to which Arabs should be sent. It was unfair to the children of the better class that they should be mixed with children fresh from the filth, moral and material, of the streets. The process would be something like this:—When the School Board notice was served, the parent would naturally apply for admission for his child into the upper school. He would be told that he could not be received unless he was decently dressed. Charity would no doubt provide clothes in genuine cases; in all others the boy would be sent back to the parliamentary schools, but with the promise that if he were regular in his attendance and passed the examination by the inspector, he would be promoted from the parliamentary to the upper-class school. The effect of this upon the ordinary scholars of the school would be no less salutary. Their irregularity was the cause of so much failure in education, that it would not be too severe a penalty to compel them to go to the parliamentary school if they were irregular attendants. The pressure put upon them would act powerfully to reduce the absences resulting from trivial causes; and the only danger would be that the penalty should be too severe. Mr. Lambert concluded with the assertion, that whatever compulsion might do, there would still be room for the working of indirect compulsion.*

DISCUSSION.

Mr. Mark Whitwell (Bristol): Mr. Lambert considers that the feeding of a child in the school tends to pauperise the parent, but the fact that a parent begs clothes for a child does not pauperise him. I am not able to see any difference in the degree of pauperisation between the acceptance of food and the acceptance of clothes. An experience of two years convinced the Bristol School Board that such schools were required. An educational census showed that 27,500 children ought to be attending elementary schools, that there were fewer than 18,000 on the books, that there was provision for 23,000, and that places for 3,000 were being provided. They proceeded to frame by-laws for the purpose of obtaining compulsory powers, and they elected, first four officers and then four more to look up the nearly 10,000 children whose parents allowed them to remain away from school in rags and neglected. In about two years the eight officers succeeded in raising the number on the books to over 23,000, and in increasing the average attendance from

* See *Transactions* 1871, p. 342.

under 13,000 to over 17,000. After gathering in all these children, they still found a large residuum, some attending private adventure schools. Thirty or forty children were found in rooms ten feet square, and stopping or going as they pleased. Some parents were merely careless and indifferent, others were dissipated; some were poor from causes within and others from causes beyond their control. That some children are truant is partly the fault of their parents who have not brought them under discipline in early life; and I advocate that such parents should be summoned before the magistrates and fined. I am speaking of parents who desire their children to go to school; but I think there is a limit to fining in such cases. It would be little short of persecution to fine repeatedly parents who are really anxious that their children should go to school, and yet have not sufficient moral power over them to get them there and to keep them there. A school board requires to have power to deal with the children as well as with the parents. Under the Act you can deal only with the parent; you have no power to deal with the child. The officers of a board should have power to take children and place them inside a school, follow them up, and keep them there. The very fact of a school board having power to take a boy or girl—and some girls are as bad as boys in Bristol—would meet the cases of many truant children who now defy parents and board. These children should be brought up under the 16th section of the Industrial Schools Act, to be committed to a certified industrial school. That Act needs alteration, in order to enable those children to be dealt with by a board. At present a parent must go before the magistrate and declare that he cannot control the child, and then the magistrate has power to act. The difficulty in the way of doing this is because the cost of maintenance and training in a school comes to 7*s.* a week, and the Treasury allows only 2*s.* for a child sentenced under the 16th section. It is as much for the good of the State that a child who resolutely sets all law at defiance should be placed in an institution where he would be taught to obey the law, as it is that one who begs or is without proper guardianship should be paid for in such a school. Parents who are careless, indifferent, or dissolute, I would certainly fine and imprison; I should have no pity for them. It is for the children of widows, of parents in bad health, and of the dissolute and very poor that the schools advocated by Miss Carpenter are specially intended. They should be open all day, so that a child may be sent early in the morning and kept until evening, away from the influence of a dissolute home, if it be one. If there all day they must be fed; they must have intellectual teaching, moral training, and industrial employment. If parents are extremely bad and dissolute, it is perfectly clear that children brought under their influence must be contaminated. If parents did not come under that denomination, but were still so bad as to exercise a vicious influence, their children should be kept all day in schools such as Miss Carpenter has indicated, and only sleep at home. I thoroughly approve of such schools, and do so from a considerable experience of the working of them.

Mr. J. G. Holyoake (London): I appear reluctantly as an objector to a main portion of the paper of Mr. Lambert. There was what I should call almost an immoral element pervading it if such a term were not wholly inapplicable to him. I refer to the contemptuous manner in which he deprecated gratuitous education. I think we shall never reach the portions of our population referred to until we make education absolutely free, and make it free to all, thus divesting it of unpleasant imputations which imply degradation in those who receive it. I do not see why the children of the poor should be put in a 'parliamentary class.' I do not know why honest poverty is not as respectable as honest wealth. Until we recognise that it is, all these deprecations of the condition of the children of the poor spread among them incentives to dishonesty and to pursue immoral methods of getting rich. The language of Mr. Lambert is on a par with that we have heard so often from Mr. Forster in the House of Commons. He says it is necessary to construct such a system of education that the parent shall be compelled to do his duty. But the duty of the parent must be measured by his knowledge, and the parents of the children of the poor are mostly ignorant and have no perception of the value of knowledge. They have not been taught its value; and how can you create a standard of duty higher than their own information? A schoolmaster is not half honoured as he ought to be, because only those instructed by him know the measure of gratitude they owe to him; and yet Mr. Forster expects the working classes to have this profound appreciation of their duty. In many families the moment a boy or a girl can earn anything the child must, in mercy to the parent, be made to do it; and it is far more necessary, as times now go, that many children should be made to work instead of being made to learn. If it is the interest of the State that the children should be educated, the State ought to make provision for the education of all. If children are allowed to grow up vicious and ignorant—and they become vicious mainly because they are ignorant—the harm is that of the State. Mr. Forster could never be made to understand that it is no concern of the parent but that it is the interest of the State that every child in the community shall be compelled to have adequate information to make it understand the laws it has to obey and to maintain itself in independence. One thing that weighs heavily on the mind of Mr. Lambert and of Mr. Forster is that if you make education free—free to all classes—you will demoralise the poor. Throughout the United States there are free schools, and the children of working-men get a better education for nothing than the children of the middle classes have hitherto received here. Will not the working population of America compare in point of pride, spirit, self-respect, and independence with the poor that we have? If you think that free education demoralises, what is the condition of our middle classes? Is there a school which they have not invaded to appropriate the funds where they could?

The Chairman (Professor Hodgson): Mr. Lambert did not make any objections to free schools, but to free industrial and feeding schools.

Mr. HOLYOAKE: But the sentiment that free education implied demoralisation ran through the paper. If it is immoral to have it in one form it is immoral to have it in any form. A short time ago the late Bishop of Winchester, to his great honour, stepped forward, rescued, and restored a school which had been taken by the middle classes from the children of the poor. Does anybody suppose that the middle class was demoralised by receiving gratuitous education? In one sense all charity demoralises. Education is not charity, but a duty on the part of the State, and, instead of the people paying for it, it ought to be given them without any imputation of inferiority; it would then be unattended with any sense of dependence or humiliation on their part, and their self-respect would be preserved as it is in all other countries where education is free. I am sure it is the best possible means of extending education, and bringing it to bear on the hitherto untouched portions of the population.

Mr. JOSEPH PAYNE (London): One means of getting children to school and keeping them there is overlooked, and that is exciting an interest in the instruction given. That ought to be a primary object in our national system. In the official reports upon schools it is often said that a school is a particularly good one and that the attendance is regular. So it appears that the goodness of a school is one reason why children attend and why they are sent by their parents, who, after all, are not always so stupid but that they have a notion of what good teaching is. Parents see that good teaching is of a kind which interests children; and such good teaching removes the difficulty of getting them to school. A remarkable example of the success which can be achieved by making instruction interesting is given in the report made in 1847 by Mr. Mozley upon Dean Dawes' school, to which the poorest agricultural children went for miles round, even when under ordinary circumstances they would have been put to work. I never heard that this remarkable report exercised the slightest influence upon our systems of instruction.

Mr. A. H. SAFFORD (London): One reason why we have untouched portions of the population is that we have not enlisted the sympathies of the parents; we have not shown them the enormous value of education. There would be very great difficulties in carrying out the plan of Miss Carpenter. I have a strong belief in fees. While many would shrink from receiving poor-law relief, scarcely any would shrink from receiving free education coupled with poor-law relief in the shape of board schools. I have a strong objection to feeding unless parents contribute something towards the cost. I feel there would be enormous difficulties in carrying it out. We should never get at a true and accurate knowledge of the position of parents. Any attempt to draw children into school by giving tea and buns would be expensive without being effective. I say either take children in altogether and feed and clothe them, or do neither. From the earliest age we should adopt a half-time system, and give half a day to educational work and half a day to active work. Nothing can be more painful than a life of inaction, and it is perhaps the most painful punishment to be compelled to do nothing. By a half-time system boys could be instructed in

trades or in the cultivation of land. A boy who comes out of school at thirteen is now worse off than one who has been sent to some business at ten or eleven; he is not worth so much money; and it is the interest of a parent to keep a boy from school rather than to send him there. With half-time we can easily carry out compulsion, which, without it, is most difficult and disagreeable work. In New York, truants are laid hold of and sent to an industrial school, and parents have to contribute towards maintenance.

Mr. E. P. METHAM (Devonport): I must object to the plan of giving food and clothing as one that would encourage a lax morality. Parents acknowledge that it is their duty to give their children food, clothing, and lodging; they will make us educate them for nothing or bear part of the cost; and I am quite sure that to give help in the new direction of food and clothing would still further pauperise the parents. We have not so many of the street Arab class but that they may be sent into the schools gradually, care being taken that they do not corrupt or contaminate others by whose superior example they may be influenced. On the school board at Devonport there are four clergymen who are managers of denominational schools, and from every one I had the most cordial support in sketching out a plan of religious instruction, which was adopted and is being carried out in such a way that I am confirmed in the belief that a happy medium can be struck in this matter. We have no difficulty in summoning children before the magistrates, and we have the cordial support of parents in doing so; they have come to us to beg that they might be taken before the magistrates, because they could do nothing with their children.

Mrs. W. GREY (London): A point which deserves special attention is the exercise of indirect compulsion through employers. They should not be allowed to hold out to parents and children the enormous temptation they do to secure the services of children under the age mentioned by the Education Act for keeping children at school. There ought to be a law prohibiting the employment of a child that is not able to pass in a certain standard, or that has not attended school for certain periods, wholly or as a half-timer. People scarcely remember what an immense temptation to a man is the shilling or eighteenpence a week which the labour of a child will bring; and it seems most unfair that employers should be allowed to put that temptation in their way. It tells with tenfold force in agricultural districts, because farmers who want the labour of children put every impediment in the way of their going to school. They know that if they do not get the labour of children they will have to pay for adult labour. I do wish more attention could be given to this subject of indirect compulsion.

Mr. ROWLAND HAMILTON (London): It is clear we cannot reach all children by one uniform system. It would be a great mistake to suppose there is not a broad distinction between those who struggle up to honest life and those who fall from it. But there is a path upwards for those who will follow it. As a matter of fact parents have well-founded objections to promiscuous teaching. It is unreasonable so far as social status is made a ground for refusing to allow children to mix

together; it is most just so far as regards the actual moral status of those with whom they may be associated. It is not a good cause of rejecting a child that his father may be of an inferior trade; it is a good cause that the child is dirty, uncombed, and uses foul language. In the lower schools, for the undisciplined and vicious, the discipline would have to be not more severe or harsh, but more helpful and considerate: thus it would be necessary not only to see that children were cleanly washed, but to teach them how to wash themselves. The advantages of joining physical with mental training were most striking. Nothing can be more shocking than an infant school of the old type, where they merely sat still with nothing to exercise or amuse them for three hours at a stretch. Industrial schools ought to be associated with education without a slur being cast upon them; but it would be a wise distinction to leave reformatories to the criminal jurisdiction making the former a part of the regular educational system.

Mr. F. A. Soutter (London): Some of the proposed indirect forms of compulsion seem very objectionable. What right have you to deny a man a hawker's license because others neglected his education? Third-class or parliamentary schools would be behind the age. It is too late to raise up social barriers in elementary education. The necessity for industrial schools arises from the non-existence of a national system of education. I look forward to the time when industrial schools will be to a large extent self-supporting, and when the charge per child recovered from the parent will go a long way towards the cost of its maintenance and education. That is the compulsion to which attention should be directed; and we should try to perfect our system of schools so as to reduce to a minimum the amount of money drawn from the community for their support. If children of eleven or twelve contribute to their own support in families why should they not do so in industrial schools? Compulsion should be brought to bear upon employers as well as upon parents.

Mr. Bignold (Sub-Inspector of Factories in the Manchester district): I advocate the enforcement of indirect compulsion. The half-time system under the Factory Acts has quite succeeded. But the educational clauses in the Workshops Act are loosely drawn, and the result is that half of the 38 per cent. of children of school age who are untouched in Manchester are by no means gutter children, but are earning good wages by partial employment, because, so long as they do not work five days a week, they do not come under the cognizance of the inspector, if between eight and thirteen, and, above fourteen, they must work for fourteen days before interference is possible, whereas in the textile trades they may not work a single day without being sent to school. One remedy would be to assimilate the education clauses in the Workshops Act to those in the Factory Acts.

Miss Carpenter, in reply, said that many objections to her proposals were beside the mark. She quite approved of many other propositions that had been made; but they were not relevant to the proved existence of large numbers of children who were not touched by existing educational machinery. Why, in Philadelphia, with absolute compulsion, it was found that 20,000 children were not attending

school. We must consider how the residuum was to be reached, unless we were prepared to leave it untouched for ever. Reformatories were being filled with the neglected children, as were also certified industrial schools, as to which the Secretary of State had said that the committal of children must be checked. There had been some confusion on the part of those who had supposed that certified industrial schools were under the Education Department; they were under the Home Secretary, and children were committed to them only by magistrates. The children were young, the compulsion was mild, and no stigma attached to the children afterwards. But these schools were an enormous expense to the country, and they should be resorted to only where they were absolutely necessary. She had spoken of every-day industrial schools which were to be free, which were to be supported by local districts, and which would be cheaper to the community than certified industrial schools. The objections offered were theoretical and not founded on fact. An experiment had been made in Aberdeen, where a free industrial feeding school had been established in 1841, and, so far from demoralising the people, the experiment had been accompanied by a remarkable diminution of vagrancy. The Edinburgh schools, under Dr. Guthrie, were also a success. Neither in Scotland nor in Bristol did parents of a better class desire to abuse the provision offered by the free feeding schools. The children of the streets could not be reformed unless they were kept the whole day, and they could not be kept the whole day unless they were fed. Many of their parents were in receipt of good wages, and, under a compulsory law, might be made to repay the cost of the food. As to clothing, it was found that attendance at school induced in children and parents the desire to substitute decent clothes for rags; but if clothes were given or rags objected to the children would soon be in the streets again. Food was absolutely more indispensable to children in school than to children running about the streets with their minds easy.

The Rev. Brooke Lambert, after offering some explanations, said that, if parents were too poor to feed their children, the latter ought to be in the workhouse; or, if the children were criminals, they ought to be dealt with under the Reformatory Acts, which were a dead letter in London, because magistrates would not convict when they knew that parents who were earning wages could not be reached by the police.

PRESSURE OF COMPETITIVE EXAMINATION.

What are the effects of the pressure of Competitive Examination upon Education?

A paper by Mr. T. M. G. Meiklejohn upon the question was read. He said the paper raised two points for discussion—1st, was the competitive examinations of selected pupils as good as or better than registration by marks of all work done by each pupil in the school; and, 2nd, was competitive examination as good a method to find out the value and

efficiency of the school as inspection by inspectors? The paper contained some strong deprecatory remarks on the system of "cramming" which was adopted in competitive examinations, and argued in favour of the inspection of schools, as in the latter system a too great element of chance was introduced, and it helped to perpetuate the unhappy schisms that existed in the education world. But how or where were the schools to get this inspection? It must be independent, authoritative, and efficient. The paper suggested the creation of a Central Education Board, the Commissioners for which might be appointed, six by the Universities, three by Government, three by public schools, and three by other educational bodies. Then the examiners appointed should inspect and report on the condition of every secondary school in the country, at first voluntarily, but after five years compulsory in each case.

A second paper on the same subject, by Mr. C. H. LAKE, was also read. The contribution was a condemnation of the system of "cramming," and called for reform of our educational system altogether. He considers that the extent to which competition is employed may be taken as a measure of the inefficiency of the theory of education, and to illustrate his position, he puts an honest educator under the cross-examination of an investigator of truth.

Investigator. What do you conceive to be your object as an Educator?

Educator. Whatever I may conceive it to be, practically it is to get my boys "on."

I. What do you mean by getting them "*on*"?

E. Giving them the largest amount of knowledge in the smallest time.

I. What means are adopted to accomplish this?

E. We provide intellectual pabulum without considering its suitability to the stomachs of our pupils, or their actual condition, and we have a plan for inducing them to swallow it.

I. Do you take its digestion into consideration?

E. Not in the least; on the contrary, if we can get them to swallow large quantities, and to vomit these when required in as nearly as possible an unchanged state, we are quite satisfied.

I. Then you regard examinations as an elaborate system of *vomiting emetics*?

E. Precisely; as at present conducted.

I. But do the majority take your food?

E. No, they either decline to take it in considerable quantities, or they utterly reject it.

I. And so go without intellectual food altogether, or take some of their own choice?

E. Just so.

I. So that your system does not accomplish its avowed purpose?

E. Not if we are supposed to teach *all*, but no one expects that. We act very literally on the principle of looking after one sheep (and we take very good care which that one is), and we leave the ninety and nine to look after themselves.

I. But the parents of the ninety and nine?

E. Have been brought up on the same system themselves, and are used to it. They are content with the care bestowed on the one—a matter which we by no means hide under a bushel.

I. They are large-minded, truly?

E. Yes, their large-mindedness would be touching, if it were not founded upon ignorance.

I. But you have not yet told me of your machinery for getting your pupils to devour their food?

E. Places in class, prizes, exhibitions, scholarships, with the electric light of public applause occasionally thrown on, to add brilliancy and fine dramatic effect.

I. On the successful?

E. Of course: we put forward the successful few as human nature does its virtues, and we keep back the unsuccessful many as human nature does its faults.

I. In fact you are ashamed of the latter?

E. We are; and that in itself is creditable.

I. But, tell me, what do you do with those who decline your food?

E. We punish them.

I. What! for acting in accordance with their nature?

E. No; but for *not* acting in accordance with the nature which, like Nebuchadnezzar, we have set up.

I. But suppose the punishment fails?

E. It mostly does; and then we leave them to their fate, not sorry to lighten the ship.

I. But if this be true, the majority are uneducated?

E. Perhaps they are; but you see a good deal of education is got in the playground, by intercourse, by reading books which we don't recognize, and a large amount after school is done with.

I. So that the largest part of the work is done at odd times, and in a haphazard way?

E. Just so.

I. Then what are you masters paid for?

E. In the first place we are *not* paid. The public care very little for our work, and pay us accordingly; what we *are* paid for is to cram the few, and we earn our pay.

I. But might not other means be adopted?

E. Undoubtedly. The Educator might get pupils to work—and it is done by some (at their own loss)—for the love of work, from the love of knowledge, for the sake of pleasing others, for the sake of duty, and so on.

I. Surely that were better?

E. Certainly, for the pupil would leave school a trained student, conscious of power, with valuable habits, thirsting for knowledge; and multiform gifts would be developed for the public benefit.

I. Then why is it not done?

E. In one simple word, because we are not paid to do it; moreover there is an established system against it (and that in England means something), and there is no enlightened public opinion for it. Fashion, class, clique, are dead against it. The English love what they love because they love it, especially if it is old, respectable, and can be clearly shown to be unreasonable. Then there is a simplicity to recommend it. Competition and punishment are so easily administered; they need so little intelligence on the part of the teacher.

I. If then the system were changed the teacher would have to be trained?

E. Exactly: he must know the nature of the mental food that he puts before his pupils, the relation of such knowledge to their present knowledge, the nature and action of their minds; as, for instance, the nature of the will, what is meant by motives, how they are influenced by intellectual training, and by pleasurable and painful feelings, and he must have a more exalted notion of his work, and a less exalted notion of himself.

I. But the College of Preceptors examines its candidates in psychology?

E. True, it is willing to examine them, but teachers will not be examined in what they consider instruction; especially when they can earn their living—such as it is—without being examined. Those who do submit themselves are (with some honourable exceptions) entirely unprepared.

I. But the College now undertakes to prepare candidates?

E. And only women attend!

I. At any rate the Universities examine in psychology, especially the University of London, which numbers many teachers among its graduates?

E. Yes, but to study psychology is one thing, to apply it practically to education is another. There must be what Professor Bain calls "a fetch of similarity;" the power of Newton to see gravity in the fall of an apple is a power not exercised by all. It is only in the training-school that the young teacher can learn that education is founded upon laws of the human constitution, and how to apply his knowledge. Some can never acquire this, and in the training-school they should discover the fact, and not learn it by daily disgust and mischief in the school-room; elsewhere they may become valuable members of society.

In conclusion, Mr. Lake remarked:—

One more word in conclusion. The present system is an heirloom from the Jesuits. Whatever may have been their merits, and they had them—they carried rivalry to an extreme. But their object was to sharpen instruments to do battle for the Church in the world, and they were wise in their generation. What is our object? That is the great question which underlies this one of competition. Do we assume that the end of education is not to train and develop all, but to get a pick? by all means let us continue our system of development by artificial selection, but let us get the right pick. But if education means something more than this—something from all for all, something better than success in life, something higher than success in this life, something nobler than the defeat of our neighbour—if it is to include a wrestling with ourselves and with nature, a knowledge of her constitution, and forces, and action, an insight into the destiny of man and his relation to the inferior animals, and to God;—if it is to mean greater prosperity with less destitution, and better economy of time, and force, and gifts;—if it is to imply care for one talent as well as ten, a striving after the highest development of the greatest number—then let us reform our educational system altogether.

DISCUSSION.

The Rev. J. Rust (Cambridge) said competitive examination was found in its fullest force now at the University of Cambridge. The boys took up a special line in reading much earlier in life than they used to do. Frequently they had a good classical man who had given

up mathematics for two or three years, and *vice versâ*; and often they had the greatest difficulty in getting their scholars through their "little-go," because they had learned only half of the subjects required for that. As soon as they passed the "little-go," they took up a special subject and read for the tripos, which they intended to take at once. This had a bad effect for many reasons, the chief being that it did not attain the end it aimed at. Mr. Du Port had said that when he examined the boys at Wellington College he found that those who read Greek and Latin with their French passed as good an examination in French as the boys who read French alone, concluding that French was not so good an educator as Greek and Latin were. He differed from Mr. Du Port's conclusion. The one he drew was that a single education did not of itself produce results, even in that particular department to which it was directed. The tripos examination at Cambridge was, perhaps, the highest form of competitive examination in the country. It was conducted with very great nicety, and the men were arranged individually. At Oxford, the classes were alphabetical; therefore, the competition was not so very keen. With the tripos at Cambridge, the range of the subjects was so vast that he did not believe there was much evil in the effect of the competition. Every year that competition was put back. When you put competition at the beginning of the University course it was more possible to cram. He had not much experience of Civil Service examinations, but he had known of a good deal of cram going on there. It was said that the majority of the students at the Universities remained ignorant in order that the few might be advanced very fast. That was an exaggeration. He did not think the majority were in the position alleged. Universities could not be expected to educate stupid men, so long as they came up from the schools at eighteen years of age ill-taught and stupid. At the same time, he thought some endeavour should be made among the schools to teach their inferior boys better than they did at present, and then the standard at the Universities need not be so low. The tripos at the Universities could not be much improved. The standard was very high, the reading very wide, and there was a great keenness to pass. At Cambridge, the standard could not be made higher, because they could not pluck more there than they did now. In one examination in the "little-go" they plucked 42 per cent. of the candidates. He had plucked from 25 to 30 per cent. He did not think they could raise the standard, unless some greater care were taken with the inferior boys at schools.

Rev. J. J. Raven, D.D. (Yarmouth), said one thing in the paper read appeared clear to him, and that was, the true way of classing boys must be by combination of inspection and registration. Registration was important, because it tested the industry of boys day by day, and competitive examinations could never take place on a proper inspection of schools. Of course, the danger was that the schoolmasters should send up boys who were not a fair sample. The masters had no little difficulty to contend with. Lately, pressure had been put upon them by parents to send up boys to the University local examinations. In other cases this was not so. They had to go to the parents,

and press upon them the advantages of these examinations that they were so slow to see. This happened year by year; so that it would be wrong to suppose that all the best men were sent up. Of course, when masters had good pupils, they were anxious enough to send them. But he might say for himself and other masters, in spite of that temptation they did really endeavour to teach their pupils class by class, not boy by boy. As to cram, it was an abhorrence to every genuine teacher; but how could he avoid it in all cases? The schoolmaster had brought to him a boy who was extremely idle, and who had to begin an examination within six months. It was too late to lay down principles in that case. The only thing he could do was to cram, in order that the desired result might be attained, though three weeks after the process of examination, not a single vestige of that knowledge might remain. He had a case in point. He examined a boy for arithmetic a week before going into his preliminary examination. That boy obtained 5 per cent. of marks. He said to him, "This is discouraging; you are a dead man unless you can do something in a week. You must have another examination to-morrow." The screw was put on the next day, and he got 25 per cent. of marks. He was screwed up again and again, until he got to 50 per cent. He was not examined again, for fear he should come down. It was said these examinations tested results, not methods. As to Euclid, it might be got by heart. He had never forgotten his first lesson in it. When he was asked where A B was, it never occurred to him where A B was at all. He might truly say Euclid could not be got up in that way. No memory could determine between A B and A B C in Euclid. The whole thing would come to pieces unless the boy understood what he was about. It was true these examinations had failed to systematise education. Years ago he sent up some boys to the Cambridge examination. There were subjects in prose and verse. But there was really not time to dwell on metre in any form; and so far as Cambridge University was concerned, the boys might never have touched it at all. In their examinations this year they had made a step in advance. Formerly, pressure had been put upon masters to get their pupils up in subjects instead of languages. He had complained against getting up such and such a book in Virgil, and such a book in Cæsar, when it was the Latin language pupils ought to learn. He had suggested a paper on grammar, instead of questions only; for, as he pointed out, if a boy got up a translation by mere cram, and let his grammar alone, they could not pluck him. They had now taken the right step, and given a grammar paper, which he was sure would produce beneficial results, one of which would be to cut away that abominable cram. As competition could not possibly be got rid of entirely, their object ought to be to guide it.

Lord Houghton regretted the absence of the authors of the papers, to whom he should have liked to put a few interrogatories; but at any rate he would express his obligation to them, not only for their able contributions, but for their moral courage in taking what was, at present, an unpopular side of the question. He would not enter into all the causes which had produced such extreme fervour on the subject

of competition as affecting education. The objections brought forward in these papers seemed to him perfectly accurate and true. They had referred almost entirely to competition in scholastic establishments, and with, perhaps, some reference also to the Universities. But they had not alluded to what he considered the more serious aspect of the question, namely, competition for the Civil Service. Under an appearance of great liberality, the Civil Service had been opened, by general competition, to the whole country. If, as the authors of the papers maintained, their objections to the general system of competition were just, the Civil Service had given to that system a stimulus so powerful that the evil, if it was an evil, would stand out in serious proportions in the future intellectual condition of the people of this country. He would observe that the opinion as to the great length to which competition was now going, was not confined to schoolmasters only, but obtained, in a great degree, even among persons engaged in the system of competition for the Civil Service; indeed, he scarcely ever met any of those gentlemen but they were able to give instances, many of which were of a ludicrous character, showing how extremely incompetent the system was to bring out the actual amount of faculty in the individual examined. It seemed difficult to make the public understand that the object was to get the educated man, or even the educated boy. They seemed to think that the main point was to produce, by any possible means, a particular amount of information, or of intellectual power, at one given moment. An illustration of that was given by one of the gentlemen engaged in the work of the Commissioners. A young man having gained a very large number of marks in one subject, but having failed to get through, he went in a second time, and got a great many marks in another subject, and again failed to get through. He then wrote to one of the Commissioners, complaining with some indignation that his first work had not been added to the second; because, he argued, although he had not been equally successful in that particular subject the second time, yet, nevertheless, it was only fair that the marks obtained on the previous subject should be added to the marks on the second, by which means, he concluded, he would have got sufficient marks to secure his object. The whole question was a serious one, going almost beyond the limits of education, and down quite to the operations of the human mind itself; and although there could be no objection whatever to such a simple stimulus as competition in a fair and reasonable degree—in fact, he could not see how school work could be conducted entirely without it—yet the moment the question of competition superseded the matter of daily work and general industry, from that moment it became dangerous and an evil. In the great public school at Harrow, there seemed to be a very fair application of the principle of competition in combination with the daily work of the school. The boy, by his daily work, got a certain position in his class; and his position at the end of the term depended on combination between the amount of marks he had attained by that daily work, and the skill he showed under special trial. That, he thought, was a satisfactory arrangement, and one which did not offer any serious ground for objection. So that, in the ordinary scholastic work, the master might exercise this principle of competition

with advantage. The real danger was in the outside work, in the preparation of the pupils, not for the work of the school itself, but for examination, whether held locally by the Universities, or by general competition for the Civil Service. The master was placed in the most difficult of positions. When he had to do his duty by the pupil under his care, he must feel that more was required to be done for the clever boy than for the stupid and incompetent one. In a certain degree he was a trustee, whose duty it was to bring out the talents and employ the ability of the more able boy's mind.

Mr. JOSEPH PAYNE (London) agreed as to the importance of the subject, not to individuals only, but to the country, and for this especial reason—that just in proportion as you stimulated competitive examinations, you were really working against education itself. It was easy to imagine a schoolmaster, who had never begun the practice of competitive examinations, arranging the plan of education, the books and the subjects following each other in proper succession, in order to a real training of the mind; and then, while he is exercising that precision, competitive examination steps in, and the whole attitude of the scholars and the master himself is completely changed. He has now a perfectly different object in view. Instead of working for the grand result of cultivating the mind, he has to aim at enabling his pupils to obtain so many marks at the examination when it comes. The two objects were different. They had not anything in common. The intention to get a certain number of marks so completely changed the attitude of both master and pupils, that one of the principal studies from that time was to master the previous examination papers, carefully noting what questions in them were not answered, and endeavouring to work them up according to the probability that the pupils would be enabled to pass. That happened in colleges as well as schools. The two sorts of students at colleges were, those who endeavoured to master the subjects, and those who endeavoured to master the examinations—two different things. Many a man, if he honestly and studiously gave himself to the mastering of the subjects, would decidedly lose his place in the examination. Just in proportion as you made competitive examinations the object of attention and pursuit, so you interfered with what might be properly considered the training of the mind, or education. He believed it could be easily shown that anything put in the place of that training, and essentially different from it, must, of necessity, interfere with it. Hence we had the practice—what was really done by competitive examinations—of continually pulling up the plants to see the condition of the roots, the consequence of which was that all good natural growth was stopped. He could not but think that the principle of competitive examinations applied to schools, acted differently when applied to the Civil Service; and for this reason. It was assumed that those who wished to enter the Civil Service had received the education which children undergo; it was supposed they had gone through mental discipline already, and what they principally wanted now was to qualify themselves for the posts they sought to fill. So that competition for the Civil Service would not appear so serious as that in schools.

Mr. ROWLAND HAMILTON (London) said there were two very broad

objections to the present implicit and superstitious reliance upon the competitive examination system for public appointments. One was, that we got all men, more or less, with one bias and form of education; and the other was, that in making examinations, the results of scholastic training, the exclusive test, you excluded a class of mind which developed late in life, and formed one most valuable element which could not be excluded without loss to the whole. The practical exclusion of the latter was a great evil. One remedy would be to distribute nominations to appointments, giving one or two, here and there, to first-class schools. Another point not to be lost sight of was the great existing difference in the capacity of youths. Francis Galton, in his "Hereditary Genius," had opened the subject, but only sufficiently to show how large a one it was. In the higher-class education, it was only those who reached the top of the hill that would really be of direct use to society. The object of education would fail, unless it was adapted to the capacities of the pupils, and there should be no child left in the country without some effort being made to teach it and to raise its capacity.

The Rev. E. L. Blackman (London) drew a great distinction between mere test examinations in schools and examinations for the Civil Service. He strongly objected to competitive examinations for the Civil Service. Looking abroad upon the world, he found everyone engaged in the battle of life, struggling for the object he had in view; and that struggle engendered a degree of selfishness. Men learned to be truly selfish; every man looking for himself, and no man looking also on the things of another; every man studying how he can get forward. It was essential that, during the period of youth, the mind should be trained; and not only the intellectual powers, but the moral sentiments also; the heart as well as the mind. Competitive examinations having been introduced, the system of working them for gain must go lower and lower. A boy, even at seven or nine years of age, would begin to work for mercenary purposes. Those who wished to succeed at these examinations must begin quite early; and so they were trained in a system of selfishness at a period of their life when they ought rather to be trained the other way, in order to enable them to resist those influences to which they would be exposed. Another evil was, that a boy was obliged to apply himself closely to study, at a period of his youth when great care of his health was necessary to enable him to grow up strong and hearty, and capable of hard work in after life. A boy was injured also intellectually by the competitive system. He had a capacity; and that capacity was cultivated for cramming, and for answering various questions. The whole of his time and energies were to be concentrated on the one thought of preparation for the examination he had to undergo, while the other powers of his mind were stifled or eliminated—his judgment and his reasoning powers, the better parts of an intellectual education, were neglected. There was another objection, which it was, perhaps, more difficult to explain. It was this. There were large masses of men who must necessarily, from the very nature of things, live by their labour, many by actual manual labour; and as society advanced it would become more and more im-

portant that this broad basis of labour should be increased. If we all became professional men, who were to do the work? We must learn the dignity of labour, and how to work ourselves in time of need. The effect of these competitive examinations was that a number of boys were early taught to look to some of the professions for their future living. If one boy out of a hundred competitors succeeded in getting a Government appointment, the ninety-nine who had each hoped to succeed in obtaining what was a pretty respectable position in life to their view, did not afterwards like to become honest carpenters, or merely honest men of business of any kind; they must all be professional men. That created such a running towards a profession, as the pursuit which they thought alone worthy of respect, that the professional ranks would be utterly overcrowded. Then would arise this serious evil. As a general course of education prevailed, there would be less necessity for professional men; because, as men got more education, they would be their own professional men, since a professional pursuit was simply one by which you supplement the ignorance of others by your special knowledge. With less need for their services, men in the professional ranks would resort, no doubt, to all kinds of petty devices to get a living. Even now, in the lower orders of the professions, a man had to make a little mystery of his knowledge in order to charge for it.

Miss Shirreff (London) regarded the competitive examination system as a disastrous one in every respect, whether socially, intellectually, or politically. With regard to the intellectual and moral effect, she had heard of young men who were fond of reading when they entered the University, but who soon forgot the art there of reading thoroughly. They did not take up a subject for its own sake. If they were asked if they had read a particular book, they would answer they had read a part of it; not the greater part, but that which they had to read for the examination. They did not grasp the general scope of a book; and even the portions they did read were not of their own selection. They followed the direction of what was so properly called the "coach"—a machine to carry them to a mercenary purpose, not an educator who had to train their faculties. That was a lamentable state of things. One could hardly speak too strongly of putting the petty idea of gain into the minds of young men. That was a low motive. It was only the motive of duty which could lead men to a good and honourable position in life. She hoped this fatal shoal of competitive examination, on which so much education was wrecked, would be carefully avoided.

Professor Hodgson (Chairman) remarked that Miss Shirreff, in drawing a distinction between love of gain and a sense of duty, had omitted to notice the love of the subject for its own sake. The love of gain and love of a mere personal temporary object should be condemned and deprecated; but the contrast should be drawn between that pursuit and a love of the subject which prompted to study, as well as a sense of duty; for a man might rightly say, "Here is something which excites my interest, and in this I find my enjoyment." Another matter that had occurred to him, in the course of the discussion, was this: he happened to have in his possession an advertisement of a hard book, intended as a preparation for examinations chiefly. In it the writer said,

with inimitable candour, "This book is adapted either for proficiency or examination." An unconscious contrast between proficiency and examination, worthy, not only of mention, but of perpetual remembrance.

The Rev. R. W. KENNION (Acle), referring to the saying that "History is Philosophy teaching by example," observed that they had already had the philosophy on this question, and he would give an example which had some bearing on the Civil Service examination system. A young man, whom he knew very well, had a severe illness when a boy which threw him back in his education for at least two years, being unable, during that time, to study. He became a strong, healthy man after that, but never could settle to his books. The desk and the pen were disagreeable to him. He had a commission in the Army, and did extremely well, winning the affections of the men he came in contact with. But it did not enable him to earn his living, so he got a nomination for the Irish police. He went to a "coach" to get crammed as much as he could, but unfortunately the "coach" did not remember the difference between the rivers of Africa and the rivers of America, and a lot of other things of the same kind which he could not get into his head. The result was that the candidate, though a first-rate horseman and judge of country, a capital draughtsman, a judge of character, well able to adapt himself to circumstances, and altogether the very man one would have selected to be an officer in the police, was rejected because in his examination he did not know which were rivers of Africa, and which of America, and other matters of a similar kind.

The Rev. MARK PATTISON (Oxford), said however much the speakers differed from each other on minor points, all of them seemed to express great suspicion of the growing power which examination was exercising over all education in the country, from top to bottom; and that opinion was shared all but universally by the whole body of teachers from the Universities to the lowest country school. There were, of course, exceptions. The feeling was not entirely unanimous. During the thirty years of his experience of University life, and particularly of late years, he had been deeply impressed with the enormous growth of this evil. But, notwithstanding that the speakers had so much deplored its existence, not one of them had suggested a substitute. They were agreed that some amount of examination, some amount of emulation and competition was indispensable. Teachers, in relation to this question, were very much in the situation of those medical men and physiologists who deeply deplore the evil of alcoholic drinks. They were hampered by the feeling that they could not go forth to the country and preach total abstinence. If medical advisers and physiologists could take the line which was often taken on the temperance platform, and say, "Alcohol is a poison, and on no account touch it;" if the scientific facts warranted that unanimity of opinion with respect to alcohol, he thought it would not be impossible that a victory would be gained over the vice of intemperance. But neither medical men nor scientific physiologists could preach total abstinence, because they knew that alcohol was not poison, but a very useful remedy. The teaching community

were in exactly the same position with regard to examination and competition. They could not give up examination nor put down competition, because they could not do without either of them. The question was, how, without being able to denounce these resources of education as positively mischievous, were they to moderate them? His only object in putting the matter in this light before the Congress was to enforce the suggestion he now made that some one should come forward with a rational and feasible proposal for modifying and checking the overgrowth of examination. Just as the experienced part of the teaching community were becoming aware of the evil, the public were becoming more and more enamoured of it. The belief appeared to prevail that you had only to throw open a public department to competition in order to secure the best appointments to the public service. It seemed to be thought you had only to get, in some way or other, the Universities, the College of Preceptors, or some other body occupying a public position to come forward and offer to examine schools in order to extend education. We had, in fact, called up a ghost which we could not lay. It, was indeed, a remarkable thing that this belief in examination was entirely of recent growth; at any rate, it was hardly a hundred years old in this country. He believed it began towards the close of the last century in the University of Cambridge, after the first establishment of the tripos. It was found that that competition, which was then a new thing, had a wonderful effect in remedying idleness, and in organising the curriculum of study in the University; and he believed it was owing to Cambridge enjoying, for many years, the monopoly of the examinational system that it took the lead of the two Universities. About twenty or thirty years after it had been set on foot at Cambridge it was adopted at Oxford and found to be no less beneficial there. He had seen excellent results in the way of a continually increasing amount of studious application which had been entirely traceable to the examination system; but exactly along with the advantages had been developed other consequences of a different character; and these consequences had now grown to such a height that it was quite time some stop should be put to them; for, as had already been remarked, the examination system was destroying education. He must own that he could not name any panacea, or profess to be able to propound any new scheme which should meet the evil. The remedy for overgrowth of examinations was moderation. They should be kept within carefully watched limits. The examination of schools, University examination of classes, and the bestowal of preferment by competitive examination were totally different things. Those persons who opposed the bestowal of Civil Service appointments by public examinations must propound some other way of bestowal. What was the alternative? Nobody would surely suppose that schools and Universities could do without examinations. He could suggest nothing else than this: that the limits within which examinations might be confined should be reduced as narrowly as possible and watched with great care. He should like some one to suggest a system of inspection by which the educational efficiency of schools, colleges, and other institu-

tions of education might be tested without having recourse to bringing them into this grand centre of competition.

Lord HOUGHTON said, in explanation, that the main objection was not so much to examination as to competitive examination. Many of the objections made did not apply to any efficient system of testing-examination or examination required in order to test a man's knowledge. A test examination could be used to test a man's knowledge in any particular subject or for any particular object. Therefore, he did not think what had been said on these subjects would apply to the ordinary curriculum either of Cambridge or Oxford.

JOHN YEATS, LL.D. (London), stated his experience as a teacher in Holland and Germany, where he had been several years. Competitive examination did not exist there. Nevertheless, the ideal of work was sought after and the results were always known. There was a Minister of Instruction for the nation, and he clearly comprehended the work he meant to have done, as well as the division of that work, prescribing for each school its end and aim, and for each teacher his special preparation for the instruction he had to give. The minister also carefully selected the subjects to be taken, and reserved to himself a right to step into a school on any day and say, "We have arrived at a certain point, teacher. Now, show me the class." This was carrying out the principle of duty which was so much desired. Duty was uppermost, and there was also the strongest emulation. When a teacher had done his duty in giving a lesson, he had a right to say, "You who have been the most vigilant and have exerted yourselves shall have a fair opportunity of showing it. There may be among you those who are indifferent; now, the best men to the front!" Examinations, in the same schools, were not omitted; on the contrary, no one could escape from them. Rich or poor, teacher or scholar, must undergo the test and show what work had really been done; and to get the proper amount of work done, no unnecessary or improper strain was put upon anyone. If the lesson taught was the 23rd, the examination was upon that. One subject was taken at a time. So that the examinations, instead of being periods of exhaustion, mental and physical, were purely processes of investigation, and the strife connected with them was a healthy emulation among the students, who conscientiously tried their utmost, knowing they would be judged by their efforts and not by their relative capacities which they might possess and display. He, therefore, would suggest, as the remedy for the evil of competitive examination, that there should be a Minister of Instruction, a division of work, and a thoroughness in the performance of that work.

Rev. Dr. WHITE (King's Lynn) thought the scheme mentioned by the last speaker would have a much more useful effect than the present system of competitive examination. There must be some general examinations for the whole country under the direction of some lawful authority, say the Universities; and the persons to be admitted into the public service might be required to pass a certain stage of the examination. In one class he sometimes had a boy preparing for the medical profession, another for the law, besides three or four for matriculation examinations at the Universities, and others for middle class examinations there; and it

was almost impossible to make all these various schemes of preparation dovetail one into the other, so as to work harmoniously in the school. If there were some central controlling power over education in this country—and the Universities seemed to Englishmen to be the most appropriate fountain of authority—then we must have a well-arranged system of examinations embracing various grades of advancement. It would be more comfortable for the boys, who would work well together and take greater interest in subjects for their own sake, than when they had to think of some particular branch of the Civil Service in which they desired to be engaged. It was quite clear that some of the subjects selected for Civil Service examinations were not the best adapted for the purpose. The example given by Mr. Kennion was a pretty fair one, though not entirely so; because, when a youth had neglected the elementary branches of his education, he could not fairly be considered as being placed on the same footing as the one who had used his seed-time to greater advantage. Nevertheless, it was necessary there should be some direction of studies. A desultory choice of subjects which a youth might be apt to make for himself would not produce in the end such good results as the direction which he received from the examining bodies of the country. Here and there, one man in a thousand marked out some certain line of study, and made a name for himself; but as we had to consider what was the best for the majority, we must have definitely fixed subjects and definitely appointed teachers and guides.

FEMALE EDUCATION.*

Mrs. William Grey read a paper "On the Organisation of Lectures and Classes for Women,"† advocating the justice of opening up the higher means of education to women. Few of either sex will avail themselves of such advantages, but the question was not to be considered with reference to exceptions, but to women generally. One bad effect of the want of opportunities for carrying on learning after the age of about eighteen, when girls left school, was the endeavour to carry instruction over too many subjects, and the results were of the flimsiest kind. The true object of school education, the training and discipline of the faculties, was sacrificed to a superficial acquaintance with a variety of subjects; and this was apt to hinder the acquisition of real knowledge later in life, by being taken for it, and leaving the pupils unaware of what it most concerns them to know—the extent of their own ignorance. Mrs. Grey suggested that it would be a great advantage to destroy the fatal idea instilled into the minds of girls of the middle and upper classes, that

* See *Transactions*, 1871, p. 366.

† This paper is printed in full in the *Journal of the Women's Education Union* No. 11.

serious occupation might be left behind in the school-room with the school books and the governess, and that idleness, or at least exemption from study and methodical employment of time, was the privilege of the young lady who had "come out." Of the different methods for attaining this end, one was by correspondence. A society for home study had been instituted by Mrs. Helyer, of Croker's Court, Yeovil, Somersetshire, in which a definite course of reading was laid down. Correspondence was carried on, subjects for essays given, pleasant gatherings took place for conversation, and an annual meeting was held for awards upon them.

A system of correspondence had also been organised at Rugby, by the kindness of the masters there; and the Cambridge Circular of 1871 professed to give instruction by correspondence, on subjects selected by the University for the examination of women over eighteen, who were unable to obtain oral instruction. The fees were two to four guineas; and during the second year 151 availed themselves of these means—the lower fee only being charged to women engaged in tuition. Another method was by the organisation of lectures and classes. Lectures alone do not give deep, clear, and abiding impressions. Questions upon the subjects treated of might be given out, and voluntary examinations held upon them, for which purpose the lecturer might have the aid of an assistant or *répétiteur*. Lectures so organised should not be considered as a substitute for school instruction, and the examinations should be subordinate to the teaching; so that the teaching should not degenerate into "cram." Their value would be great, not only as a means of general education, but also for the special work of teaching, for which women are inherently qualified. The Universities might aid by appointing a standing committee to select itinerant or other lecturers. Mrs. Grey urged that the classes should be open to both sexes, and especially that the movement should be made to pay its own way and be self-supporting.

A paper "On the Organization of Girls' Schools" by Miss Dorothea Beale, Principal of the Ladies' College, Cheltenham, was read. It treats first of the constitution of Proprietary Colleges, and urges that the fees should not be fixed at a lower average than fifteen to eighteen guineas. Taking 100 as the number of pupils, this would leave in the first case only about 500*l.*, in the second, about 800*l.*—not too much for the cost of instruction. It is urged that teachers should not be members of the governing body. The model-college recently erected at Cheltenham is

described, the question of instruction by masters or mistresses is discussed, the mode of training teachers, the length of school-hours, and the influence of study on health. Parents are reminded that in day schools the whole work of education is not done at school. Quiet rooms and regular hours must be secured, and regard paid to the evening time-table. They are recommended to limit the number of subjects, rather than to insist on a very varied curriculum, and to leave girls at school long enough for them to take different subjects in succession, instead of learning everything at once. In the study of languages, it is recommended that the modern should precede the ancient; that in learning geometry, &c., the pupil should not be furnished with written demonstrations. The modes of teaching the natural sciences are described, the question of examinations is discussed, the preference being given to an internal or inspectional examination of the whole school over the central examinations of the Universities—central examinations are of value, however, in the highest classes, and students should not be content to conclude their school course without some kind of "leaving certificate" from a University. It is urged that ladies can become teachers in large day schools without giving up their independence and home life—that the emoluments are considerable, and their social position equal to that of a master in a Grammar School. Finally, that such a life is most desirable, is proved by the decision of the sister of Prince Rasselas, who, after having for some years travelled over the world in search of happiness, decided "to found a college of learned women, in which she would preside, that by conversing with the old, and educating the young, she might divide her time between the acquisition and communication of wisdom, and raise up for the next age models of prudence and piety." *

DISCUSSION.

Miss Mary Carpenter (Bristol): Up to the present moment the women of England had not had an ordinarily good education. No such education had been given as would enable them to take their proper position in society. Not that she desired for women the position of men. A distinct sphere belonged to each sex, and each sex was endowed with an organisation, physical and mental, qualifying them for the part they were intended to take; and if either sex attempted to take the position of the other it would be to the injury of that one. She did not wish to make comparisons, for in her opinion neither sex could do without the other. She would not try to define what part was

* This paper has been printed in full in the *Journal of the Women's Education Union*, No. 10.

assigned to women; but all would no doubt grant that they should at least be fitted, by a good education, to take their proper part in society, in order that they might exercise that influence which God intended. The education of the female sex in England in positions above that of the labouring class, had become a singular contradiction. The labouring class had an equally good education afforded to them for boys and girls; but for the classes above that one, while admirable institutions afforded a fair education for boys, capable of fitting them to rise to the Universities, nothing corresponding to such a provision was established for the benefit of girls. Hence it was very difficult, and often impossible, to find qualified women to perform ordinary work. She had lately returned from America; and during the whole time of her residence in the United States she had been impressed with the position occupied by women there. She did not enter on the subject of "women's rights," for she frequently told the ladies that she thought they had as many rights as were good for them. In America the women had the right of practically entering upon whatever position they were qualified for. She was astonished to find 500 lady clerks in the Treasury at Washington, and she was still more astonished whenever she went into any kind of school, whether ordinary common schools, whether boys' reformatory schools as well as girls', or whether boys' orphan asylums, to find that the best teachers were women, and these women were preferred to male teachers. The president of a very large orphan asylum at Philadelphia stated that, up to the age of 14, boys appeared to be better taught by a well-trained educated woman than by a man; and she was also informed by the manager of a large reformatory, where some of the boys were almost young men, that female teachers answered best there: the boys acted rudely to the men who taught them, but never to women. The boys showed no want of respect; and, as the master of one institution where they were taught by female teachers observed, such teaching prepared boys to act with a proper feeling, when they became men, towards the other sex. Nor was the teaching inferior to that given by men. She visited during her stay in America a recently established normal training college, at Hampton, in Virginia, for coloured people, where both young men and young women were being trained for teachers; and there she noticed that nearly all the tutors were women. Mathematics were taught by a lady teacher; and a gentleman of high standing probed the instruction very closely and expressed himself quite satisfied with it. She had the great pleasure of seeing an astronomical professor in a college of ladies who was a woman, and who had acquired some celebrity by discovering a comet; her father was an astronomer; she had been associated in the work with him, and eventually became a regularly accepted astronomer. The ladies in question would not have been selected to be teachers if they had not been thoroughly good ones, and if it had not been fully believed that they could teach better than men. It was naturally supposed the female sex was adapted for teaching, because they had naturally the care of the young, and understood their mental condition better than the other sex could do, and that their very nature was adapted to infuse in a discriminating manner proper instruction into boys and girls. Women

could there be employed in printing-offices and other places without it being thought remarkable. For a long time, ladies as medical practitioners had been accepted, without any of the difficulty experienced in getting admission for them into other employments. In Boston and New York it had become quite a regular thing for ladies to enter college and for ladies to manage the hospitals. How was all this brought about? Simply because from the commencement they had had a thoroughly good education, equal to that received by the boys. With regard to mixed classes, her opinion had been strengthened by the best experience she could gather in the United States of America; and it was this: she did not think it advisable, where actual education was going on, to have the two sexes together. For her own part she should not be able to teach the two sexes together well. She could teach either boys or girls, but in a very different way. Besides, the requirements of the two sexes were different; and, whatever some ladies might think, she did most absolutely believe that the natural feeling existing between young men and young women was of itself a hindrance to their minds being so perfectly free as they ought to be. When a college was once about to be established for ladies the promoters of it would not have any males admitted whatever; it was a splendid institution, and one she and Mrs. Grey would rejoice to see in this country. It was especially adapted to ladies in many ways. There was a lady physiologist who gave lectures and watched over the health of the students. The head of the institution was thoroughly aware of the peculiar nature of the women, a nature liable to great excitement and susceptibility, and she took precautions that at the very susceptible age between 14 and 20 the students should not overstrain their faculties, nor be subject to that intense emulation which was highly injurious. In the normal training schools in Massachusetts, which she also visited, the head of the institution said, "Do not have young men and young women educated together." At some most magnificent high schools in Boston she observed that many subjects of study could not have been pursued if young men had been present. She did not object so much to young children of both sexes being in one school and taught in common. This was done in America, though sometimes they were put in separate classes. In the high school at Boston to which she had alluded there was a large saloon with apparatus for 50 ladies to perform chemical experiments, there were mineralogical lectures given, and all that could be desired for the best scientific school for boys. One young lady, for instance, was endeavouring by experiment to detect arsenic; knowledge of this nature was of great importance to young women. All this was a thorough training for young women; and although very many ladies preferred that their daughters should go to a private instead of a public school, yet the existence of such institutions as she had described must do good, even in compelling private school teachers to keep their instruction up to the mark. Diplomas were given to the ladies who were of sufficient merit in the American schools which had attracted so much of her attention, and she was anxious to ascertain where such teachers were trained. She was pleased to learn that they had all been trained in the schools themselves. When they were fitted in this way young ladies

in America had no difficulty in obtaining employment. She observed a striking result of this kind of education. Whenever a great work had to be performed these accomplished ladies knew how to do it; and they did it. During that awful period of the American war, when the Sanitary Commission was established, the ladies came forward and acted in the emergency with businesslike habits quite comparable with any that gentlemen possessed. They were also thoroughly respected. Having then found these results from a good system of education in the United States, she wished to obtain the same results for her own country; and she hoped English ladies would not rest satisfied until there were good schools established for girls equal to those for the boys; so that young women might be able to avail themselves of all the opportunities desired for them by Mrs. Grey, with whom she agreed that lectures were but poor and inefficient as a means of education, unless the mind had been properly trained before. With regard to the proposed plan of correspondence, Mrs. Grey was, perhaps, not aware that Miss Harriet Martineau formed a similar arrangement and carried it out with very great advantage.

The Rev. A. Jessopp, D.D. (Norwich), inquired what meaning Mrs. Grey attached to "education." Did she suppose that it could be completed, whether in the male or in the female, at the age of twenty or thirty years? His own education would not be complete as long as his reason remained. He could not imagine a worse thing happening, either to a man or a woman, than that the moral and intellectual education should be crystallized at any one point. What was it our educational machinery was aiming at? If at simply cramming so much knowledge into people's brains, that to him seemed a false and wrong aim. His view of the object of all educational machinery was teaching how to learn. When persons were taught how to learn they would know how to use those appliances which they had seen used on their own behalf. They would not be always crying out for guidance, for lectures and examinations, a cry which was in danger of being somewhat exaggerated. He would next ask how it happened that the education of men continued after they had passed from the school into active life? Was any particular effort made or demanded to educate young apprentices to surgeons, or articled clerks to solicitors? Were any special lectures provided for young men in shops? If such existed were they so restricted as Mrs. Grey assumed? In his opinion the great educator for the male population was the *Times* newspaper, and a first-rate educator it was. True, men had discussion societies, and other meetings for similar purposes, but there it often happened that those who knew best were the last to speak; and there one class was admitted to the exclusion of another class. Men, however, were not always crying out for these helps. Young men in shops do not consider themselves wronged because the Universities are not sending throughout the country a system of lectures and examinations prying into their knowledge, and inquiring how the young men in the "twenties" were getting on. It should not be forgotten that young men of that age had the same desire to emulate as the other sex had. Let the ladies take what they could get, and hold to what they had; but when there was

so much outcry on the part of one sex for something they would like to have, he would respectfully ask whether the men were quite as noisy as the women, and whether the former had not the self-same needs as the latter and just as much unsupplied. In Mrs. Grey's paper there appeared to be a tacit assumption that women were, in a manner, excluded from lectures. Mrs. Grey's own reference to the lectures of the Royal Society furnished an answer to that objection. London was teeming with lectures which women might attend if they wished. He supposed the next thing would be a complaint from the gentlemen that the ladies had thrust them out. As long as he could remember the one sex was as well represented as the other at Professor Sedgwick's lectures. Canon Kingsley's lectures and Sir James Stephens' were crowded with lady auditors. The number of professors' lectures from which ladies were excluded, whether at Cambridge or elsewhere, was, he believed, very few. The same might be said of science and art lectures. Professors Owen and Huxley admitted ladies to theirs. But when only the other day some lectures were given for ladies, there was some talk about the necessity of excluding men, whose presence would be found somewhat inconvenient. He went on one of these occasions, and he felt bound to say that the one gentleman present constituted the only little element of discord.

Miss Jex Blake (Edinburgh) stated her experience of mixed classes in America, where she had resided at one time for nearly three years. During that period she made it her business to visit almost all the prominent educational establishments where men and women were educated together, and also several where women were educated alone. She took great pains to get the opinions of what she believed to be the most competent and trustworthy witnesses on the subject; and the result of her inquiries was that wherever the system of mixed education had not been tried teachers were more or less against it; but she did not find half-a-dozen against the system amongst those who had actually tried it. She ascertained also that the work done in the mixed colleges and schools was more energetic, more full of life, than that done in schools where girls were taught alone. There was a sort of healthy stimulus which made both young men and women work better; and there was also a wonderful atmosphere of purity. Nothing struck her more forcibly than the forgetfulness in those colleges and schools of the difference of sex. There appeared to be no jealousy. The prevailing object seemed to be to give satisfaction to the teacher. In all the institutions she visited where the school-work was in common all the other arrangements were separate, excepting the dinner which the boys and girls took together. It was most undesirable that women should wish for any of the aids that men have not, provided always that women have all those helps and advantages which men have.

Mr. Joseph Payne (London) agreed with Dr. Jessopp as to the danger, while busy with the apparatus of education, of forgetting the very object for which all the machinery was originally intended; and he concurred in the suggestion that education, in its true sense, should ever be put in opposition to cramming. It was pleasant to listen to the well-chosen words, and the well-selected arguments and illustrations,

of a lecturer who had been at great pains to get, from all quarters, the materials for the entertainment of others. But there was no real training of mind, no discipline in all that, for the pupil, who might go on hearing lectures year after year, and still remain without the power which ought to be the aim of all teaching. Unless the tutor were able to make his pupils do what they could not do before he took them in hand, and make them strong enough to find work for themselves, he would not be discharging his duty, whatever might be his title or pretensions before the world. The use of lectures was to stimulate the mind, as alcohol was used sometimes to give stimulus to the nervous system. But stimulants did not of themselves give strength to the system. Many persons listened with great advantage to lectures, because they were interested in the subjects on which they treated; the lectures opened their minds to other views than they had before entertained, and it led them to pursue the study of the subjects with vigorous interest. A celebrated French teacher once said to his pupils, "My friends, the only object I have is to render myself useless to you;" and he thought that would best be done by bringing out all the powers of their minds, and enabling his pupils to make use of them independently of other aid. No more real service could be done by one man to another than that. With regard to the Society for Home Study, he had had much to do with it in seconding the efforts of Mrs. Helyer. From a very modest beginning it had become so prosperous as to be difficult to manage. It commenced with three or four young ladies; now the number was fifty or sixty. It was desirable to have centres established in other parts of the country, and to work from those centres after the manner of an existing society. Young ladies went from all parts of the country to London, and while spending a week there were enabled not only to see the exhibitions, but to get eminent artists to give them peripatetic lectures in the National Gallery and at South Kensington; lecturers of merit were appointed now and then; and they had also the opportunity, under proper direction and help, of acquainting themselves with what went on in the intellectual world of London. One of these young ladies having the misfortune to break her right arm, learned to draw with her left hand and obtained first prize for drawing. As to mixed classes, he gave lectures in London, and also lessons in science and art, to an audience consisting of sixty women and ten men teachers; and he had observed with what ardour and interest the former listened to what was going on. He had not detected the least inconvenience or difficulty in the fact of their meeting together for the purpose of instruction.

Mr. Cooke Taylor (Preston) thought it was little less than a misrepresentation to say that more facilities were sought by the author of the paper to be offered to women than to men. If it could be proved that the professions and the more well-paid occupations were open to women as well as to men, then there would be some justice in saying they should not have more opportunities of education than men, but not until then.

Mr. Metham (Devonport) complained of the difficulty of obtaining a good education for the daughters of middle-class people, either in the

schools for girls or by means of private governesses. The latter, he suggested, should be required to take out certificates of qualifications; and no private school should be allowed to exist unless its teachers were prepared to undergo examinations. There was, he feared, too much teaching by rote. He visited a very successful private school on one occasion while a very showy lesson was being given in arithmetic. At the end of the task he asked a number of boys what twice 0 meant, and not one of them was able to give an answer to the question. They had evidently not been accustomed to that sort of test.

Mrs. W. Grey, in reply, said she did not wish women to usurp the place of men, but that they should be as well educated, and on entering the arena of life find there a fair field and no favour. She did not mean the daughters of well-to-do people—girls well provided for—but she alluded to women who had to earn their own bread. Our duty was to develope the faculties of woman which God had given; and their full development, she maintained, ought not to be hindered by the action of any social arrangements. Society would decide whether women could or could not do the work they undertook for their own support; and by that decision they would be compelled to abide. As to the meaning she attached to "education," for her part she considered the whole of life to be an education. In its technical sense the object of education, for the first twenty or twenty-three years, she took to be the training of the pupil for the duties of life, morally and intellectually. With regard to the completion of education, she hoped it would not be completed in this life even, but would be carried on in another throughout eternity, and that we should always be advancing to a higher point of perfection. She agreed that the object of educational machinery was to teach how to learn. Schools could only lay the foundation of knowledge, and from that foundation teach the pupil how to learn further. What she aimed at for women was the best teaching that could be given in the special subjects that the students wanted to learn. She did not claim for women what men did not receive; women were not admitted into the Universities of this country, nor had they the opportunities offered to men of technical education, art and scientific instruction, with the exception of the special provisions made in certain institutions in the north of England and elsewhere, such as the Yorkshire Board of Education. It was truly said that clerks and others at the age of 18 or 19 had no extended means of education, and had to learn their trade by their own exertions; but, at the same time, the very work they entered upon educated them to a degree that few people were aware of; and it was that education which was so utterly unavailing to women in the better classes of society. She desired for them that higher education which the University supplied to men in the same social position. If, with this more solid education, young women went into society capable of holding up to the young men who fell in love with them a higher aspiration, those evils deplored by Lord Houghton, and which it was the object of this association to remedy, would, in the next generation, have a better chance of being cured than they had now.

The PRESIDENT (Professor Hodgson) called attention to an announcement which had recently been made that the Minister of Public Instruction in Italy intended providing more widely for the education of women by instituting two complementary courses in the normal schools at Florence and Rome. In addition to the high literary instruction and the scientific teaching of moral and natural science, the graduates would receive, in their new courses, instruction in two foreign languages, namely, French and English, or German. It might not be out of place if he added that, while he was in Germany, he learned that the lectures given by professors under Government supervision, for women intending to be schoolmistresses or governesses, might be attended also by women who did not purpose offering themselves for the examinations that give the diploma required for the educational profession; and all of these lectures were practically attended, to a considerable extent, by young women of the higher middle classes. It was also possible, he understood, to pass the examinations without entering on the educational profession, and some availed themselves of both lectures and examinations, and did the work which the professors set to those who were willing to undertake more than the mere attendance at lectures.

FEMALE TEACHERS AND INSPECTORS.

Elementary Teaching, a Profession for Ladies.

By LOUISA M. HUBBARD.

THE suggestion that educated women in need of remunerative employment should seek it in the charge of public elementary schools, has been received with so much enthusiasm by all the parties most nearly concerned, that it seems no longer necessary to dwell upon its advantages or to consider them in any way as an open question.

The idea was, in fact, hailed by a large number of persons interested in the cause of primary education, whether officially or otherwise, as the first sign of a time, always anticipated and greatly desired by the authors of the national school system, when the profession of Elementary Teacher should cease to be the monopoly of a single class. This class was in the first instance determined by the exigencies of the case, such as the enormous number of teachers required to officer the multitudes of schools which were being founded and the rough material upon which the experiment was to be tried, but it was ever hoped that the status and salary of a national school teacher would in time command the attention of a higher class,

and thus avoid that inversion of the natural order of things by which it had been necessary to raise the teachers from the ranks of the taught by a comparatively artificial and laborious process.

Although this expectation has been already more or less verified, and the status of the pupil-teacher class has risen and fallen in proportion to the inducements held out to it, it seems reserved for the present moment, when by a singular coincidence an unparalleled demand for teachers exists at the same time with a remarkable disproportion of the sexes in the upper and middle classes of society, fully to realise the original design.

It need not be feared that the number of teachers likely thus to be imported into the profession, although large enough to be of infinite value to the class from which they are drawn, will at any time interfere with the interests of those already engaged. Although it is by no means unusual to receive several hundred answers to advertisements for a nursery governess, comparatively few of the number are fit, even if willing, to become schoolmistresses, their suitability being limited by conditions of health, disposition, and natural gifts; all most important considerations in successful school-keeping, a calling which requires perhaps a more distinctive type of character than any other. Were the whole number of women—from the professional, clerical, and gentle classes—who need and are suited for such a work, to be absorbed into it to-morrow, they would hardly add more than four or five per cent. to the present number. For the moment the supply is limited still further by an obstacle of so serious a nature that it would be necessary to dwell upon it at some length, even were it less appropriate than it is to the general tenor of this day's discussions.

The attempt to study for the certificate examinations, and even for that for the Queen's scholarship (this is passed by every pupil-teacher of eighteen who obtains admission to a training college), brings to light such serious shortcomings in the early education of our countrywomen, that it seems as if only such efforts as those made by the Women's Education Union really go to the root of the matter. It is found that among the ladies offering themselves for training, the majority, though possessing that intelligence and cultivation of mind so extremely valuable in teachers, have not acquired the thorough knowledge of arithmetic, history, and grammar, which will enable them to pass the preliminary examination—much less to teach those subjects to others; and they deplore this defect

in their early education with a naïveté which would be amusing were it not in the view of their future so very pathetic.

It may easily be imagined that this greatly retards the progress of the movement, and diminishes its immediate value as a means of recruiting the understocked market of elementary teachers from the overstocked one of private governesses. Did women but possess that acquaintance with the rudiments of a simple English education, which should be the natural heritage of every man, woman, we might almost say of every child, claiming to belong to the educated classes, they would be able to avail themselves of the present opening in far larger numbers. As it is they are in the position of a workman who has to manufacture his tools before he can use them. The attainments of a pupil-teacher at the close of her five years' apprenticeship are simply those which should be the basis of all education, and represent a standard which may be easily reached by the children of the upper and middle classes at the age of ten or twelve. Meagre and elementary as the Government syllabus appears to many, and as indeed it is, an accurate acquaintance with it represents a standard far above the average attainments of women in the subjects necessary for the instruction of children, and forms a basis for the pursuit of the higher branches of education.

The smattering which has hitherto passed for education in our girls' schools is an imperfect preparation for higher studies as well as a miserable stock-in-trade for those whose circumstances oblige them to live by their wits; and until a girl's education is sound and thorough from her childhood we shall continue to have in our midst those hapless beings who cannot work, even when work is found for them. Until schools are what they should be, the value of the University local examinations and similar efforts to promote a higher education will be limited to those whose exceptional industry is not daunted by having to re-learn the rudiments of their studies whilst striving after higher flights.

Were it possible to extend indefinitely the valuable efforts made in this direction by the originators of the University local examinations for girls, and to supplement them where attendance at these was impossible by a freer use of the pupil-teachers' examinations, the happiest results might ensue. Parents would not be so completely in the dark as they now are concerning the progress of their children and the qualifications of their governesses, for success or failure at these examinations would be a wholesome test and stimulus to both. The subjects of the junior and senior local examina-

tions (the former to be taken at the age of fourteen and the latter at that of sixteen) appear to cover the ground of all the pupil-teachers' examinations, and to include that for the Queen's scholarship, and ensure the necessary accuracy in elementary subjects. When the extra subjects are also taken, opportunity for a wider range is afforded, which produces a more cultivated and intelligent grasp of the whole.

That the adoption of some such plan as this would be welcomed by a large proportion of the governess class there can be no doubt. The honest dissatisfaction with their own powers, and the conscientious scruples of many of the best of them, have been strongly evidenced by letters received during the progress of this movement. Besides the many persons, by no means of the lowest or nursery governess class, who have expressed their great desire to change their profession for that of elementary teaching, on account of the independence of the life, the possession of a home, or other advantages, many have desired and indeed pleaded for training merely to fit themselves for the duties which they were conscious they were only too imperfectly fulfilling. One writes: "You can form no idea of the mental and physical strain of being for years only one page ahead of my pupils, and having to struggle on with my own ill-grounded education while I had to appear equal to conducting theirs."

Another—a resident governess, in receipt of 60*l.* salary, and thoroughly content with her situation—writes: "I heartily regret that the Otter College will not be thrown open to governesses desiring to obtain certificates, and I would willingly throw away my present prospects to become a Government teacher if I can obtain admission on no other terms. I left school at 17, just when I had really begun to study, and all these 14 years since I have been teaching—learning, indeed, but slowly, and by painful experience, what I might perhaps have learnt in six months at a training college." This lady probably over-rated the character and range of the duties at a training college, but not their method or accuracy; and were students possessing her culture and intelligence to enter the college at the age of 18, already well grounded in the rudiments of a sound English education, there would indeed be a chance of turning out the thoroughly efficient teachers whom we all desire to see. As it is, the period of college residence which should be devoted to the technical study of teaching, both in theory and practice *as an art*, has to be occupied in putting *into* the student's mind that which ought to be ready to come *out* of it, leaving

no time for the philosophical study of the nature of a child's mind, and the acquirement of that skill in bringing out the intelligence and forming the character which are the very essence of true education.

Were the experiment which is already on its trial to become usual; were parents desiring to prepare their daughters for the profession of elementary teaching to place them for two years previous to entering college, as pupil-teachers in good schools where they would become familiar with the general routine of school work and management, they would then be in a position to reap the full benefit of the college course of training. To do this it will be necessary that their early education *before* leaving home should have included a thorough grounding in the subjects of the Government syllabus, and to obtain this, private governesses must possess the qualifications which at present seem only to be found among certificated teachers. Recourse may, however, be had to the supervision of lessons and exercises by any intelligent Government teacher in the neighbourhood, and much good will result from the mere definiteness of aim in the subjects of study, and more still, if it be possible for candidates to attend the annual examinations for pupil-teachers in the order prescribed. Altogether, considerable advantages will supervene; one being that a sound elementary education will be more valued, and therefore will become more common, and another, that the excellencies of the training college system will be extended to other classes besides that for which they were at first founded.

Already the demand for certificated teachers in middle-class and other schools not under Government, is increasing beyond all prospect of immediate supply; while even as private governesses for younger children in the highest classes of society they are much in request. Many mothers have written to the college in the hope of obtaining a thoroughly trustworthy nursery governess, while others have requested leave to send protégées, in the hope of obtaining in the future efficient teachers for their children.

On this subject a lady writes: "I do so want some day to have some of your lady teachers, if possible, engaged in teaching infant schools for rich people's children, on precisely the same plan as that of the national schools. Our children get far worse teaching, and do not have nearly as good a time of it in the nursery as poor children do in the school; up to the age of seven or thereabouts the nurse teaches them, or the nursery governess, who knows next to nothing, and it is all crying and scolding. Where the mother teaches, of course that is best; but

in large nurseries she has not time, and even she cannot teach as well (judging by the progress made) as the trained mistress, and then the marching and singing is all good, and all lost to the poor little upper ten thousand. We are now establishing here a middle-class school at 6*d.* and 9*d.* a week, according to age, and we hope in time, if that answers, to go on and establish one at a much higher rate, for a much higher class, and then your lady teachers would come in. I suppose the difficulty would be that the schoolmistress' position would be different. Several rich mothers who have talked to me on the subject seem to think it indispensable that she should be under a committee of themselves, and this of course will be a far worse position than being under Government, although she might be paid a much higher sum." The concluding reflection seems rather severe, and it may be hoped that it will not be borne out by facts.

It will be seen by the tenor of this paper, that those interested in this movement have no desire to see the Government regulations relaxed, or the standard of admission into the profession lowered. In the interest of both teacher and taught, and in the hope of producing a still higher class of teacher, educationally considered, they would prefer, if any change be necessary, that it should be in the opposite direction, even if for the time this seemed to check the movement and failed to meet the difficulty. Rather than pass into the profession a number of imperfectly trained and hastily crammed teachers, and thus lower the value of the certificates, it would be better in some way to recognise and utilise fairly efficient uncertificated teachers for some given period, say four or five years, till the natural supply more nearly corresponded with the demand. If it were possible in one word to define what education is *not*, and to name a process diametrically opposed to it in every principle, it might be found in the word "cram," not to say "crib," of which we hear so much.

It seems hardly necessary, after what has been said in the earlier portions of this paper, to refute another fallacy which has been mooted in the public papers, viz., that it would be well for Government to recognise a good place in the University local examinations as a sufficient guarantee of competence for the certificate. As a standard of acquirements and a test of intellectual power this might answer, but it does not represent the slightest acquaintance with the principles of teaching—as much an art as any other study—and gives no clue whatever to the personal characteristics, both mental and physical, which constitute so very important an item in the qualifications of a

teacher. Not only is an active, cheerful, and even temperament desirable, but the personal gifts of a quick eye, an alert ear, are not to be overlooked, while a love of children and a natural aptitude for teaching are actually necessary to ensure success.

That no very uncommon characteristics are, however, requisite, may be gathered from the fact that none of the ladies who, on the first suggestion of the plan, acted upon immediate impulse and took their places in schools, have either given way under the unusual fatigue or have expressed the least desire to withdraw from the profession. On the contrary, many expressed an opinion that even their arduous life as an "assistant," learning class management and method in school, and studying for the examination out of school hours, was preferable to their former experiences as private governesses. All these ladies passed successfully for certificates, and since doing so the only difficulty in finding situations has arisen from the number of eligible ones to be had. One writes: "I have been offered three good schools in the last few weeks. There is no fear of your candidates not getting good schools." A word of warning upon one point may not perhaps be out of place here, and that is the danger of expecting from these schoolmistresses of the future all the perfections not only of their own profession, but also of that of a district-visitor, choir-mistress, organist, parish deaconess or Bible-woman, not to say of the curate himself. It was, in fact, suggested to one lady desirous of qualifying herself for a certificate in an outlying school, where she was to receive the modest sum of 30*l.* a year, that she should spend the time out of school hours in district visiting, while the conducting of a simple service on Sunday would complete her position as an economical clerical substitute, and place that portion of the parish under her pastoral care. It must not be forgotten that, though a lady by becoming a schoolmistress need not cease to *be* a lady, she does cease to have a lady's leisure, and that the demands upon her time, and the punctual payment of her salary, should be made with all the more thoughtful consideration, because a natural but false delicacy may make it more difficult for her than for others to press her claims.

Besides those ladies who thus obtained certificates last December, some are this year engaged in schools with the same end in view, while others, fortunate in having more time and money at their disposal, are receiving, in Bishop Otter's Memorial College, Chichester, that invaluable course of training and instruction which is only to be obtained in a normal school under Government.

This fine building, beautifully situated within sight of Chichester Cathedral, was opened last February, not as a diocesan but a national training college for elementary school-mistresses, under precisely the same Government regulations as those of the existing colleges.

Owing to the short time which has elapsed since the scheme for reviving this college, in its new form, had been laid before the public, only thirteen students were in time to enter for the official year of residence required by the Education Department; others have, however, been received during the year for shorter periods of instruction, previous to entering schools, and the number is now increased to twenty-six by a class which has been opened preparatory to the examination known as the Queen's scholarship. This, if passed next December, will render candidates eligible for admission in January, subject to the approval of the committee. Of those who have been in residence throughout the year, only three propose to take their certificates this winter, so strongly do they feel the value and necessity of the whole two years' course prescribed by Government.

It will be seen, therefore, that the history of the college, during the current year, can only be looked upon in a somewhat experimental or tentative light, and that its real opening will take place next January, when, with the Divine permission, and in humble reliance on the Divine blessing, it will start with its full complement of students, and begin work in earnest. The majority of the students now in residence is drawn from exactly the classes for which it is designed; five are daughters of clergy, four of medical men, while among the rest are to be found the children of naval officers, civil servants, solicitors, and private persons. Ten have been governesses in private families, who, although by no means unsuccessful in that calling, have chosen elementary teaching, as offering the attraction of independence and a home, and far greater likelihood of permanent employment than a private situation, which can hardly be held for more than five or six years, and must inevitably be relinquished at an earlier period of life than the charge of a school. Further applications for admission continue to be almost daily received, and though two vacancies still exist, and others may occur by the failure of some of the candidates for the Queen's scholarship, it is most earnestly hoped that the college may be enlarged at the earliest possible opportunity, certainly in time to accommodate fifteen or twenty more students by January 1875. The same staff of teachers, and the area for practising

supplied by the excellent central schools of Chichester, will, when supplemented by the model practising schools, now in process of erection on the premises, satisfy the requirements of Government for nearly double the present number of inmates, but it is thought that for the class of students contemplated, it will be well not to exceed forty-five or fifty in number.

It is satisfactory to learn that, valuable as these new model schools will be to the college, and absolutely required as they are by Government, as a condition of its recognition, they will be not less valued in the neighbouring city as supplying a demand long felt for a lower middle-class school. It is expected, when started, these schools will be almost self-supporting, and it is therefore confidently hoped that there will be no difficulty in raising the sum necessary for their completion, about half of which has been at present promised.

Miss SUSAN COATES read a paper "On Female Inspection of Schools."* Acknowledging the various benefits that have arisen from Government inspection, and recognising the earnestness and interest shown by the inspectors in promoting the efficiency of schools, it was with no depreciation of their services that the writer urged that the details of girls' and infants' schools would be more appropriately committed to the direction of women. Needlework, personal neatness, household work, and the requirements of infants, naturally belong to them. Pupil teachers would benefit largely by such inspections, and girls leaving college, on being appointed mistresses of schools, absolutely need the support and encouragement of persons of their own sex, in the discharge of new and arduous duties. The purport of these observations was the subject of a memorial to the Committee of Council on Education, in 1871, by the managers of the Lewinsmead British Schools, Bristol, in which the attention of their lordships was called to the appointment of sub-inspectors, as follows:—"As many changes and more work must now be expected in the educational system of our country, we would submit to your lordships' consideration the question of local sub-inspectors, a proportion of whom should be *women*, and who should visit each school, say, four times a year without notice, should be in communication with the various managing committees, should present an official report to the principal inspector previous to his annual visit, who would then have time to resume the former style of inspection, viz., testing the training and general development of the minds

* See *Transactions*, 1870, p. 554.

of the children." The reply to this appeal may be considered unsatisfactory, inasmuch as, while confessing the great importance of female influence in the work of elementary education, the Committee was not prepared to propose any change. In an economical point of view, there would be a saving by the appointment of local sub-inspectors to act under the inspectors. This was all that was asked for; though in France the most efficient inspectress of infant schools is Madame Pope Carpentier. Since the memorial was sent, assistant inspectors accompany the principal inspector; their duties, under the new code, require certainly no very high intellect or acquirements. The questions, and in many cases the answers, are ready printed for them. Women might, therefore, be considered capable of such work, both in boys' and girls' schools. Indeed, their influence would be beneficial over the rougher nature of boys. In conclusion, Miss Coates hopes that the Government may be induced to introduce this new element into its official administration.

DISCUSSION.

Rev. C. H. Campion (Westmeston, Sussex): There was one class which he would gladly see more largely represented among the teachers in elementary schools, namely, those who were orphans of clergy, because occupation of that kind would be suitable for them, considering the interests of the taught. Was anyone satisfied with the present state of education in elementary schools? The ablest inspectors had remarked a want of thought in the primary schools. Mr. Matthew Arnold, a name which had an hereditary claim to respect, said that in a country where everyone was too prone to rely on mechanical processes to the exclusion of thought, the kind of education which rests chiefly on such processes was one which must be fatal to the intellectual life of the school. Of late years the stream of educational agency had swept many more children into our schools than were there before; but as that stream broadened it became shallow. One of the most experienced inspectors confirmed him in the belief that the best education for the poor in the elementary schools was that offered to the first classes under the old system, when the inspector and the teacher used to give their chief attention to those classes. Pupil-teachers either taught, or were supposed to teach, the lower classes; while the whole efforts of the chief teacher were devoted to the children of the upper classes, so as to draw out their minds just when they began to have minds. He admitted that the old system to which he referred failed with regard to the lower classes, and failed disgracefully, because those children, for whose education the Government gave large sums of money, being left in the care of pupil-teachers only, could scarcely read or write when they went away from school. That could not be endured, and the Government did right in reviewing the

revised code system. He for one was dissatisfied, and he believed England also was justly dissatisfied, with the present condition of our elementary schools. We had a literature second to none in Europe; but the children derived neither profit nor pleasure from it. We had science expounded by writers who were certainly not surpassed by those of any other country; and yet the facts of physical science were a mystery to our poor, so much so that even the simplest efforts of sanitary reform were made ineffectual by their ignorance. In Germany, all classes took great delight in the literature of their country; he had heard persons in the lower ranks of society quote passages from their national poets, as if they were familiar with their works. Unfortunately, elementary teachers in this country were not at present able to impart this love of literature to the children whom they had to teach, simply because they did not possess it themselves. No one could give what he had not got. Who ever knew of a teacher in our primary schools devoting his leisure hours to the study of Shakespeare, Milton, Scott, or Byron? If our elementary schools were to be improved,—if the tone of them was to be revived,—if a love of literature was to be imparted to the children,—we must have a superior class of teachers, who would teach with accuracy and precision. Social Science would do its utmost to obtain an efficient supply of teachers, and so advance the education of the country.

Rev. G. S. Barrett (Norwich) referred to a college established for the purpose of educating ministers' daughters, in connection with the denomination to which he belonged (Congregational), and observed that out of 110 girls admitted there, a large proportion were preparing to take the position of teachers in elementary schools under the London School Board. The chairman of one of the education departments of the London School Board happened to be a manager of this college, and before it was opened he stated that there were at that time a number of ladies in School Board schools who were receiving as much as 150*l.* to 200*l.* a year as teachers, and that he had no doubt if the ladies then about to enter the college would qualify themselves so as to pass the Science and Art Department examinations, they might receive even a larger sum as teachers in the elementary schools within the London School Board district. When this became known, the managers of the college were surprised to find a number of girls, many of them daughters of men who had themselves received a good education, coming forward and signifying their desire to qualify as teachers in elementary schools. It was expected that many of them would apply to the Government for a certificate as qualified teachers for schools of that kind. He was unable to speak of the future of the daughters of the clergy; but with regard to that of the daughters of Congregational ministers, he might say that through the poverty of the ministers, who did not belong to a rich denomination, their children, not being able to secure the highest class education, had hitherto been sent to schools on reduced terms, and had, in consequence, suffered in one way or another throughout their school-life. The college had a lady president, experienced in the higher education of women, and arrangements were in progress for having the students taught by the best masters that

could be got. He looked forward to the future of these ladies with deep interest. Before the college was established they were expecting to stagnate, either as nursery governesses, or perhaps as assistants in shops, because there were no other openings for them. They had now the prospect of a position that would ensure to them independence for life. He had been informed by the chairman of the teachers' department of the London School Board that, in the course of the next three years, there would be a demand for teachers which it would be almost impossible to satisfy. Having regard, therefore, to the daughters of the clergy, rather than to those of Congregational ministers (for whom a college had now been provided), he thought Miss Hubbard's paper suggested the right means for supplying a want of the day, and thus enabling those ladies to live a life of independence, usefulness, and honour.

Rev. Canon HOWELL (Norwich) sympathised with the object Miss Hubbard's paper had in view, and did so the more deeply because he had cherished for several years past a similar scheme for the purpose of educating the poorer daughters of the clergy. He wished to announce that he was authorised to offer to any poor clergyman's daughter, who might be desirous of going to the Otter College, half of her expenses during the time she remained there. A distinguished member of the Association had said the day before that he considered the schoolmistress in a country parish to be the slave of the parson—that, in fact, she did all his work except preach on Sunday—and he asked, "How would the lady submit to that?" Miss Hubbard had, he thought, proved the matter the reverse way. It was fifteen years since he became associated with middle-class education through the Cambridge and Oxford Universities, and nearly as long ago as that he tried to obtain the same thing desired in Miss Hubbard's paper, and scarcely a year had passed without an attack from him upon the Government, first for excluding boys, and now for excluding girls from having such a certificate of their qualifications as would at once place them in the position which was desired for them; that was, to have a guarantee that they had been well-educated.

Miss CARPENTER (Bristol): The plan, as set forth in Miss Hubbard's paper, was simply to supply the present want of female teachers in elementary schools. The establishment of School Boards had revealed this need, which was keenly felt. It was very difficult to get good teachers, as had already been stated on the part of the London School Board. It was well to supply the want, not in London alone, but throughout the country, where it was mostly felt; but they should at the same time consider what would be the want in schools to be established ere long for the lower middle class, the middle class of society, and for those young ladies who wished to receive a good education, but could not obtain it. Where were the teachers for these? Four years ago she read a paper to the Association, pointing out the great need there was of supplying teachers of that kind. The Government had long felt the necessity of preparing good teachers for elementary schools; why should they not now prepare good ones for higher schools also? The experiment mentioned by Mr. Barrett was a very valuable

one in education—and all Congregational movements in that direction were good—but a much wider view should be taken than that which comprehended only daughters of Congregational ministers, or of Church of England clergymen. The view must be extended to the whole country. First, they should look at the want which would exist shortly, if the commissioners should succeed in carrying out their intention of establishing good girls' schools with female teachers. It was a good thing to have gentlemen teachers in girls' schools; but it was very bad to have a gentleman manager, and the control of the scholars entrusted to any but persons of their own sex. It was a serious business to teach others. It was, as had been justly said, "a science to be learnt and an art to be practised." Many might acquire knowledge, and take delight in it; they might take out a certificate to do many things, and yet not know well how to put them into practice. The Association ought to point out to the Government the necessity of preparing teachers for higher schools. In all classes of society there were different habits, manners, and refinements; we ought to take persons of a good position in society and prepare them for this important work, which ought to be done well to be of service to the country. There are many young ladies, with no great object in life, and no sphere open to them, who act as inferior governesses at a small salary. These persons had had a certain amount of training and education; they also had a moderate position in society; and if they had, say, two years' wise training, they might be enabled in that time to become a large body of teachers, useful to the country at large. As regarded the proposal to have female inspectors, though she was not one who would wish to take the position of the other sex, yet she held it was the special duty of the female portion of the community to have the charge, at any rate, of their own sex. It was simply impossible for any gentleman really to inspect a girls' school. It was of the utmost importance that there should be female inspectors in boarding schools; and Mr. Stansfeld had lately recognised that principle by appointing lady inspectors in workhouse schools.

Mr. Mutu Coomaru Swamy, as a Hindoo and member of the Legislative Council of Ceylon, expressed his deep interest in the question of the education of women in this country. He was satisfied that the claims which they made might be freely and willingly conceded, not forgetting, as a student of history, that the position which England now maintained among the great nations of the earth was mainly due to the position which the women of this country occupied, and more especially to the home education which the children received, as well as to the superior intelligence of English women generally as compared with those of other countries. If such were the case, the reason for denying them further privileges appeared to him founded on prejudice.

Mr. Frederic Hill (London) hoped the proposal made by Miss Coates, however humble it might be, in favour of female inspection, would receive the support of the Association. His experience as an inspector of prisons convinced him of the value of female assistance; and he suggested that, for educational purposes, the experiment should be made of engaging female assistant-inspectors of schools.

Mr. JOSEPH PAYNE (London) observed that, while there had been a considerable increase of pupils, the number of competent teachers had not kept pace with that increase. According to Miss Hubbard's plan, provision was made for a sliding-scale for girls. It would be a great advantage to elementary schools that ladies of the class mentioned should be brought into immediate connection with them. The college to which Mr. Barrett had referred had a lady superintendent peculiarly qualified for the work. It would be well both for the London School Board schools, as well as for the pupils themselves, if the young ladies educated at such an excellent institution should become teachers of those schools. Miss Hadland, the superintendent, had expressed her determination that a certain proportion of cost should be devoted towards obtaining the best education that could possibly be obtained. That was an interesting circumstance, because it referred to the laying out of a definite sum of money on the attainment of what appeared to be the special object of the college.

The Rev. BROOKE LAMBERT (Tamworth) had seen too much of the inside of schools, both in the country and in London,—except some large London Board schools, where apparatus was provided regardless of expense—to suppose that ladies would find it easy work to teach, either in the ordinary mixed secondary schools, where the managers were crippled for means and apparatus, or in those for poor children, where it was almost impossible to make both ends meet. Still, for the sake of the children, he hoped that many ladies would be found devoted enough to give themselves up for the great work that had to be done. He had the greatest objection to make governesses into spiritual maids-of-all-work, indeed, he had himself endeavoured to discourage schoolmistresses from taking either Sunday-school or night-school work, for they had enough work to do without that, and required two days' rest from teaching in order to freshen themselves for the duties of the following week. Miss Hubbard seemed to treat the question as if the time out of school would be entirely at the disposal of the teachers. There was one thing at least which they should undertake, though it had appeared difficult to get them to do it; and that was, to form some acquaintance with the parents of the pupils. To give the right sort of answer when dealing with refractory parents was no mean part of the business of the school, since the wrong one might soon create differences with the parents which it was difficult to heal, and at the same time affect the discipline of the school. That task was not an easy one, and ladies were perhaps more fitted to perform it than less educated persons. If the ladies who acted as elementary teachers would only so far sacrifice themselves as to go and make friends with the parents, they at any rate would not be snubbed as the present teachers were; their manner and bearing would prevent them from that, and they would thus carry out a most effective social reform. If, therefore, ladies became elementary teachers, he hoped they would consider it part of their work to make their schools doubly efficient.

The BISHOP of NORWICH said, with regard to the fact that there were large numbers of females anxious not to be dependent altogether on their own families, still less upon the public, for their support, he

was far from supposing that all of those who wanted employment as elementary teachers, or all who had received a general ladies' education, would be fitted for the position; but a considerable proportion of them would be. Whenever a great want occurred in society and was generally acknowledged, there was to be found a supply to meet the deficiency, if they only looked in the right place. He believed they had now looked in the right place, and that the two suggestions which had been made were in connection with two very important departments, in which women could be usefully employed. He attached the most importance to one particular part of the paper read by Miss Hubbard, because he felt that the teacher was still more important than the inspector; but while he said that, he thought the latter subject one of great importance—that of having female inspectors to every kind of department in which children and girls were educated. It might be found necessary to the proper inspection of elementary schools, and still more to boarding schools, that the inspectors should be of the same sex as those who were in the school which was visited. A gentleman of great experience as an inspector said to him, "No doubt men ought to be, and, as a general rule, are, the best instructors and communicators of knowledge and that in the very relation in which they stand to women; but, at the same time, women as the educators have a position in their own schools which it is impossible for men to occupy, because there is one element in the character of the real educator which is of great importance, namely, that she must be a model example to those she has to teach."

Miss Foster (Sandy, Beds), a school manager, said Miss Hubbard had not in the least exaggerated the existing deficiency in the supply of competent teachers. There was a school in the district with which she was herself acquainted, which had been closed for some time, in consequence of the difficulty of finding a teacher for it. Managers would gladly welcome such teachers as she hoped Miss Hubbard would be able to send them. She thought the amount of work a schoolmistress had to do had been somewhat exaggerated, for she had seldom to do more than could be done within the appointed school hours. For her own part, she believed that a school was more likely to be efficient when the schoolmistress' strength and spirits were not overstrained. Some people thought that, as so many pupil-teachers were under training, the supply would soon be sufficiently increased from that source.

The Rev. J. M. Du Port (Norwich), upon being called upon to reply on behalf of Miss Coates, whose paper he had read, confessed he did not agree with much the writer had advanced. A schoolmistress requiring advice could not wait months until the female inspector came round, if she wished, for instance, to know how best to deal with a refractory boy. She would rather go to the manager, from whom she could obtain all the advice and counsel she needed. He knew of cases in which schoolmistresses required most careful direction in many subjects they had to teach, more especially arithmetic and grammar. It might be due to faultiness in their own education, but, for his part, he believed it arose from a difference between the mind of man and that of woman.

The Medical Education of Women.

By Sophia Jex-Blake.

IN the very short time at my command I shall not attempt any exhaustive discussion of the primary question which lies at the root of my subject—the question, namely, whether it is, or is not, desirable that women should be educated for, and admitted to, the medical profession. I can indicate only in the briefest outline the reasons which lead me to answer this question in the affirmative.

In approaching the subject, the first point seems to be to divest the mind as completely as possible of all conventional pre-existing theories respecting it, and to consider it as if now presented for the first time.

Let it be supposed that no doctors as yet existed, that society now for the first time awoke to the great want of skilled medical aid, as distinguished from the empiricism of domestic treatment, and that it was resolved at once to set aside persons to acquire a scientific knowledge of the human frame in health and in disease, and of all remedies available as curative agents, with the object that such knowledge should be used for the benefit of all the rest of the race. In such case, would the natural idea be that members of each sex should be so set apart for the benefit of their own sex respectively,—that men should fit themselves to minister to the maladies of men, and women to those of women,—or that one sex only should undertake the care of the health of all, under all circumstances? For myself, I have no hesitation in saying that the former seems to me the *natural* course, and that to civilised society, if unaccustomed to the idea, the proposal that persons of one sex should in every case be consulted about every disease incident to those of the other, would be very repugnant; nay, that were every other condition of society the same as now, it would probably be held wholly inadmissible. Indeed, I will even go a step further, and say that if any question arose respecting the relative fitness of men and women for attendance on the sick, the experience of daily life would go far to prove that, of the two, women have more love of medical work, and are naturally more inclined, and more fitted, for it, than most men. If a child falls downstairs and is more or less seriously hurt, is it the father or the mother, the sister or the brother, (where all are without medical training) who is most equal to the emergency, and who first applies the needful remedies? Or again, in the heart of the country, where doctors are not readily accessible, is it the squire and

the parson, or their respective wives, who minister to the ailments of half the parish? And if women are thus naturally inclined for medical practice, I do not know who has the right to say that they shall not be allowed to make their work scientific when they desire it, but shall be limited to merely the mechanical details and wearisome routine of nursing, while to men is reserved all intelligent knowledge of disease, and all study of the laws by which health may be preserved or restored. I confess that, as regards natural instincts and social propriety alike, it seems to me that their evidence, such as it is, is wholly for, and not against, the cause of women as physicians of their own sex, and it is for this alone that I am pleading.

To glance at another aspect of the question, I must further say that I believe few people are aware of the very widespread desire existing among women for the services of doctors of their own sex; and yet there are probably few present who have not known individual cases where severe suffering has been borne, and danger perhaps incurred, in consequence of the excessive reluctance felt by some young girl, or woman even of maturer years, to consult a doctor in certain circumstances, and more especially to tell him all the facts of her case with the absolute frankness which is essentially necessary. Doctors have often told me themselves of the extreme pity they have felt in such cases, and yet I believe that doctors know, as a rule, less of the facts to which I am referring than anyone else is likely to do. Of course a lady does not send for a doctor to say that she will not consult him; and still less, if she resolves to seek his advice, does she tell him of her difficulty in doing so. I believe, however, that those who know most of the matter will most strongly confirm what I am saying; and I am sure that all will agree that no state of things can be right which, even in exceptional circumstances, imposes so much pain, and pain of a kind that ought not to be inflicted, on those who are already in a condition of suffering. In this case, of all others, there should at least be a *choice*. If I am wrong in my belief on this point, at least no harm will be done; if I am right, a quite incalculable benefit will have been conferred.

Even more briefly must I glance at the historical evidence in favour of the medical education of women. Those learned in Greek literature will remember that Homer speaks of medical women both in the "Iliad" and in the "Odyssey," and that Euripides represents the nurse as reminding Queen Phœdra that if her disease is "such as may not be told to men" there are skilled women at hand to whom she may have recourse. Everyone is aware how common it seems to have been in the

days of chivalry for women to be adepts in medicine and surgery, and how frequently the knights wounded in battle were healed in the adjacent nunneries. The midwives and wise women of the middle ages held at least an equal position with the apothecaries and barber-surgeons of the time, and their competition seems to have been so formidable as to drive the male practitioners to seek protection from them, for it appears that in 1421 a petition was presented to Henry V. praying that "No woman use the practise of fysik under the payne of long emprisonment." Again, in the reign of Henry VIII., we find an Act passed for the relief of irregular practitioners of medicine, "both men and women," who were being "sued, vexed, and troubled by the Companie and Fellowship of Surgeons of London, mynding onlie their own lucres," the said surgeons having but recently obtained an Act of Incorporation, which they now endeavoured to employ as an engine of oppressive monopoly. Maitland, in his "History of Edinburgh," also mentions that at the time of the foundation of the Edinburgh College of Physicians in 1681, "both men and women" were engaged in the "practice of physick" in that city. I have not time even to enumerate the women whose medical skill has obtained record in history during the last few centuries, but I may mention that no less than three women have held chairs in the Medical Faculty of the University of Bologna, viz., Dorotea Bucca, Professor of Medicine, early in the fifteenth century; Anna Mazzolini, Professor of Anatomy, in 1760; and Maria Della Donne, who was appointed Professor of Midwifery by Napoleon Buonaparte at the beginning of the present century. The Italian Universities have always been freely open to women, and a large number seem to have studied medicine there during the middle ages. In Germany also several such instances have occurred, and considerable numbers of women are now studying in the universities of France and Switzerland.

But even if we had no such historical precedents, and if the special suitability of women for the study of medicine were totally denied, I should still confidently rest my case on my last and most comprehensive argument,—viz., the right possessed by every intelligent human being to choose out his or her own life work, and to decide what is and what is not calculated to conduce to his or her personal benefit and happiness. In the words of the late Mr. J. S. Mill, "We deny the right of any portion of the species to decide for another portion, or any individual for another individual, what is and what is not their 'proper sphere.' The proper sphere for all human beings is the largest and highest which they are able to attain

to. What this is, cannot be ascertained without complete liberty of choice." Viewed in this light, it is no valid argument to say that women will be happier if excluded from all professions, nor that they will probably make bad doctors; still less that they will find little or no employment when they enter upon practice. Even if every one of these assertions were true, the principle I have cited would remain the same,—whether we choose well or ill, wisely or unwisely for our own welfare, we still have an indisputable right to make our choice; and if failure and disappointment ensue, the penalty will be ours also. If women do on the whole make worse doctors than men, they will simply fail in competition with them; if their sister women do not desire their services, they will not obtain practice, and the thing will die out of itself. Where, then, is the need of opposition and prohibition? Here, as in so many other cases, we may safely fall back on the wise words of warning of old, "If this work be of men it will come to nought, but if it be of God ye cannot overthrow it, lest haply ye be found even to fight against God."

If, then, it may be assumed that women are at least not to be prevented from entering the medical profession, it is clearly to be desired that they should aim at the same standard, and comply with the same requirements, as all other practitioners of medicine. This is manifestly for the good of the community, and women themselves ask for nothing else. They are quite ready to undertake the ordinary studies, and to rest their claims to practice on their ability to pass the ordinary examinations. They ask for no exceptions and no indulgence; they simply ask that no exceptional hindrances shall be thrown in their way. Two things, then, are essentially necessary,—(1) That they should obtain such an education as shall make them thoroughly competent to take their share of responsibility in the care of the national health; and (2) that this education should be secured in accordance with the regulations prescribed by authority, that they may be recognised by the State as having complied with its requirements, and may thus enter upon practice on terms of perfect equality with other practitioners. The first condition is strictly natural and inevitable; the second, though equally imperative, is in a certain sense arbitrary, or at least artificial. In the old days before medical practice became a matter of legislation, every doctor could acquire his learning as he liked, and must depend for his success in life solely on the practical results of his subsequent work. In America this is still the case to a very great extent. Every facility there exists for the establishment of medical

schools, and of examining boards, on every conceivable principle; and as all these are recognised indifferently by the State, all have an equal right to grant medical degrees, and to send forth their graduates to compete with all other doctors on terms of perfect equality, there being no further State requirements and no further State recognition. Whether or not this is the best plan I do not propose to discuss; it is self-evident that such a system has great advantages and great disadvantages. It is clear, at any rate, that to the British mind the latter seem to predominate, and hence the careful legislation on the subject in this country. A positive law exists in England to limit the recognised practice of medicine to those whose names are entered on the Government Register, admission to that register being obtainable only through certain specified examining boards. It cannot be too often repeated, as it cannot be too clearly understood, that it is to the existence of this law that all the fundamental difficulties in the way of the medical education of women are due; and that, not because the Medical Act contains any clause excluding women from the profession, but because it vests all power of examination in bodies who seem only too much inclined to wrest and misuse that power for the purpose of effecting such exclusion. The Medical Act says not a word respecting the sex of the practitioner of medicine; it simply lays down certain conditions and requirements, and all who comply with these are *ipso facto* entitled to registration. Two women have so complied, and the names of both appear on the register; so that it is beyond dispute that all women on such compliance have an absolute right to registration. As, however, many people are not aware how and why it is that two women could do what other women are now not able to accomplish, I must pause a moment to explain the special circumstances of each case. When the Medical Act was passed in 1858 it was expressly provided that any practitioners furnished with foreign degrees, and already in practice in this country, could claim registration, though in future no foreign degrees would be recognised. Dr. Elizabeth Blackwell, the first Englishwoman who ever took a medical degree, took advantage of this clause, and, having already graduated in America, her name was at once entered on the register; but the path by which she entered was henceforth closed by the provisions of the Act itself. When in 1860 Miss Garrett desired to enter the profession, she applied for admission to one college and school after another, but with no success, until at length she discovered that the Company of Apothecaries were unable to refuse to examine any candidate

who complied with their conditions. She accordingly went through a five years' apprenticeship, attended all the needful lectures, and passed all the prescribed examinations, and at length received the licence to practise, in virtue of which she was admitted to the register. In order, however, to observe the regulations of Apothecaries' Hall, she was obliged to attend the lectures of certain specified teachers; in some cases she was admitted to the ordinary classes, but in others she was compelled to pay very heavy fees for separate and private tuition. Not content, however, with indirectly imposing this heavy pecuniary tax on women, the authorities now bethought them to pass a rule forbidding students to receive any part of their education privately,—this course being publicly advised by one of the medical journals as affording a safe way of evading their legal obligations, and thus shutting out the one chance left to women! On such a proceeding I think it is unnecessary for me to offer any comment.

Allow me, then, once more to recapitulate the several conditions which collectively combine to form an apparently inextricable dilemma. The Medical Act makes the legalised practice of medicine impossible to anyone who is not registered in the Government register; such registration is obtainable only after examination by certain specified boards; these boards have laid down as a positive condition of examination that students must have studied in certain recognised public schools,—it being, moreover, defined, in the case just cited, that it is not sufficient to be taught even by the recognised public teacher, unless such teaching be received publicly and in the ordinary class; and, lastly, women are not, so far as I know, allowed admission to any public school in Great Britain, and yet they cannot obtain permission to organise a separate medical school for themselves, or, at least, they are told that the teaching in any such school, however excellent it may be, shall be refused recognition by the examining boards.

I trust that I have given a clear view of the somewhat complicated difficulties of the case; in the few minutes that remain I desire to direct attention to the possible modes of remedy. The difficulties are threefold, depending, that is, (1) on the law, (2) on the examining boards, (3) on the medical schools. If the conditions were different in any one of these three directions, the present problem might admit of solution. If women were admitted to the ordinary medical schools on the same terms as men, the examining boards could hardly refuse to examine them; if the regulations of the boards were relaxed to the extent of admitting candidates from a new school formed

expressly for women, no more would be necessary, for such a school could readily be organised, and might be in complete working order in the course of six months; or, thirdly, if the Medical Act permitted the examination of women by a special board, and their subsequent registration as practitioners, the existing schools and boards might maintain their attitude of exclusion, and yet women could enter the profession on equal terms with men.

At any rate, we confidently trust that whenever a new Medical Bill is introduced, its provisions will be such as to make the present exclusionist policy impossible. It is sufficiently plain that the sole object of legislation on this subject ought to be to give some guarantee to the public that the medical practitioners recognised by law have received an adequate education, and are not unfit to be trusted with the care of the sick, so far, indeed, as such fitness or unfitness can be ascertained by examinations. It is clearly quite beside the scope of any such Bill to establish a monopoly directly or indirectly, and I trust that I have already made plain that it is only by a series of coincidences, which could hardly have been foreseen, that even the present Act can be used as an instrument of such monopoly. No one can wonder that it never occurred to the framers of the law that the medical authorities and the educational bodies could desire arbitrarily to exclude from the profession any candidates who wished worthily to enter it, and who were ready to comply with all the usual conditions of study and examination. Now that it is seen that such a state of things is possible, and now that the injustice which may result therefrom is beginning to be understood, I feel every confidence that in a very short time the needful remedy will be found and applied by the Legislature. And this assurance is redoubled by the fact that the proposed action of Government with reference to the medical profession is exactly of the kind which will of itself remove all our difficulties. Let but the "One Portal System" be fairly established; let the Government appoint an examining board whose composition shall secure universal confidence; let all candidates who desire to enter the medical profession be admitted to the same examinations; let their papers be identified by numbers instead of names, so that this vexed question of sex may be so far absolutely excluded, and then let all students who are able successfully to pass the ordeal be admitted to registration; and the whole problem which has so long troubled and perplexed us will be solved at once and for ever. In the great scheme of national education the principle of payment by results is becoming daily

more and more supreme; let it prevail in this department also. Every day more and more diversity of opinion is expressed respecting the best mode of medical education. Some say that the old apprenticeship system was the best of all, for under that the student learnt the practical work of his profession under the very eye of his master. Others again maintain that the present system of compulsory attendance at one course of lectures after another—amounting in all to more than a thousand lectures—is the best and only sure means of education. A third party, who knows well how perfunctory is such attendance, how frequent the absences, except on days when the presence of students is to be ascertained, and how listless and weary the attitude of a majority even of those who are seated on the benches, are inclined to believe that the study at home of the best books on each science, combined with constant attendance on the practical work at hospitals and dispensaries, is the most hopeful of all the modes of education yet devised. I will not pretend to enter on any such discussion; I believe that types of mind vary, and that probably some students could be found who would be respectively most successful under each of the three systems referred to. I trust that the Government, when it takes up this matter, will lay down no such hard and fast rule as is maintained by the present examining boards; I trust that it will have a standard of knowledge fixed by the leaders of the profession, and will appoint thoroughly qualified examiners to see, by examinations both written and clinical, that that standard is attained, and, for all the rest, I venture to hope that students will be left free to gather their knowledge as they choose, uniformity being required in the results alone. If each student examined be desired simply to specify the mode in which he has acquired his information, we shall soon be furnished with statistics to indicate which is really the best method, and it cannot be doubtful that when once this is ascertained the majority of students will desire for their own sakes to adopt it. If, in truth, the present system of lectures is the most valuable, the students who follow it will by their success demonstrate the fact; if, on the contrary, it is found to have been dictated rather by the "vested interests" of teachers than by the needs of students, it will naturally collapse when its artificial support is withdrawn; and we shall have substituted for it either the old apprenticeship system, or the plan of private study, according to the results that may be obtained from each. I am inclined myself to think that a somewhat mixed system would probably come to prevail; wherever a man of true in-

tellectual eminence was found to teach, students would no more be wanting than of old; where men of commonplace calibre lectured, those only would attend who found that mode of instruction most suited to their tastes or needs; and probably a large number of students would always prefer to obtain from books the best digested results gathered by the master minds of the profession. But as to such matters of detail I care little to argue. I do not ask for any change in existing arrangements if only women be allowed freely to profit by them; I do not ask that the regulations or conditions of study should be in any degree modified, if only they be no longer made the engine of an oppressive monopoly.

I hope even in my lifetime that the day will come when the axiom that "Mind is of no sex" shall cease to be a mere dead letter; when equal facilities of study shall be afforded to all earnest students in connection with the national universities, and all other places of education supported in any degree by public money: but it is not for this that I am now pleading. Whether it is just and fair that women should be taxed in order to supply educational advantages which they are not allowed to share, I leave it to others to decide. I only ask that, if women are to be excluded from all the medical schools that at present exist, they may at least be allowed by their own labour and at their own expense—with such help as may be voluntarily vouchsafed to them—to form and organise a medical school of their own; with the certainty that, on the completion of their studies, due provision shall be made for their admission to the recognised examinations, and for their subsequent registration as legally qualified practitioners, on exactly the same footing as all others who have pursued the same course of study and attained the same standard of professional acquirement.

This is all that is absolutely necessary, and I leave it to the justice of my countrymen to say whether this is too much to ask.

On Commercial Training.

By John Yeats, LL.D.

It is hazardous for anyone not actually engaged in commerce to talk about commercial training; but as teachers must have a voice in the matter as well as men of business, there is somewhat less of presumption in my attempting the task. It will be a source of gratification to me if I succeed in investing

the subject with a tithe of the interest that attaches to it in my own mind, and in gaining for it attention at all commensurate with its importance. A few preliminary remarks will be permitted, I trust.

Education should be adapted to the work of life. If we can understand the one we may lay plans for the other, but not without; let us therefore inquire, "Who are commercial men, and what is the work they are doing?" Commercial men are men of business, yet not the only such men. Business consists of two departments, roughly speaking,—production and distribution; the former is more attractive to men of science, the latter to legislators and statesmen. The immediate agents of production are the materials and the powers furnished by nature; while distribution is, for the most part, an affair of human arrangement. Still the two are inseparable, though distinct; they are blended by the operation of the laws of supply and demand.

Sometimes the chief elements of production are classified as mind, muscle, money. These again are seldom at work singly; but when united, one or the other is sure to predominate; and every man takes his place in society according to the means he employs for the attainment of his objects; among which are, usually, pecuniary independence and security in the enjoyment of it. Commercial men cannot work with their brains only, as professional men are said to do; nor do they work with their hands only, like artisans; nor are they merely money-changers. They are generally capitalists or administrators of capital; that is, men who let out or hire money as other people do land; they are cautious but enterprising; their calling seems to me to be, to stimulate and direct industrial effort, as well as to promote industrial intercourse, national and international.

No class has rendered greater service to social progress than the mercantile. In the oldest times merchants brought rude nations to a recognition of inter-dependence, and forced upon them respect for human rights: the work is still continued.

No class has had more to endure from feudal and military exactions. In many points the rulers of the middle ages were behind those of antiquity; take the laws against usury as an instance. The merchant of Attica was much more free than the merchant of Venice. Even in ancient Rome, the Mensarii and Argentarii were more secure than the Florentine money-lender, the mediæval Lombard, or the Jew.

At present mercantile men suffer less from interference than they seem likely to do from neglect, since apprenticeships and the payment of premiums for instruction have ceased to be in

vogue. In our day the question comes home, to employers and employed alike. Where is provision to be made for the special requirements of this large class? Where but in our schools and our universities can our future merchants be trained?

Manufacturers are to some extent already provided for. In obedience to the voice of public opinion, the Science and Art Department has been organised and rendered efficient, and the result is apparent in the progress we are making in construction and decoration. But can nothing be done for commerce or the science of equitable and economical distribution? Nothing for international amity and security? nothing in aid of the principle that

> One faith, one weight, one measure, and one coin,
> Would all the world in harmony conjoin.

Is it not well adapted for liberal culture? Has it never met with attention, or are we less mindful of its claims than our forefathers were?

Down to the time of Elizabeth, and later, there were Merchants' Guilds and Craft Guilds that interested themselves about commercial education. Independent of supervision of the work of adult artisans, and the granting of rights and privileges to competent persons, they made great exertions to secure the foundations of excellence in every branch of industry, by establishing schools in all the chief towns of the country. The old Guild-masters believed what we are in danger of forgetting, that for business pursuits there must be business aptitude,—sound principle as well as sharp practice,—and beyond elementary tuition special training of an advanced character. Dr. Playfair says: "The main idea *of fitting a man for his work* was vigorously supported by our old reformers. John Knox held firmly by it, especially in his scheme for secondary education, which, unfortunately for Scotland, was never adopted, though his plan for primary education was. In the former he announced that no boys should leave school till they had devoted a proper time to 'that study which they intend chiefly to pursue for the profit of the commonwealth.'"

To England is due the honour of having first constructed a marine chronometer, by which the longitude could be determined at sea within half a degree, and thus the position of a ship on the ocean be found with sufficient nearness for practical purposes. John Harrison, the mathematician, but a Yorkshire carpenter by trade, received the gold medal from the Royal Society, in 1749, for his "horological improvements;" and from that date the question of our superiority in seamanship,

and ultimately of our maritime supremacy, was settled. Not many years later, probably not more than twenty, though it is hardly possible to speak with certainty, our own Watt gave to the world the steam-engine, so complete, and so easy of adaptation to the requirements of manufacture, or of locomotion on land or water, that it put us in possession of working-power and carrying-power more than equal to that of all the rest of mankind put together. How mighty an impetus to manufacture and locomotion was given by it, is evident from the following statistics:—Between 1842 and 1860 England's trade increased 234 per cent.; that of France within the same period, 169; that of Belgium, 272; and that of the United States of America, from 1844 to 1860, 247 per cent.

The bearing of these facts upon our subject is self-evident, if we consider that without a steady exchange of produce and of manufactures between different parts of the same country, there can be no such thing as internal prosperity; and that on the continuation of this depends, mainly, the possibility of minute division of labour, which is the characteristic, as it is also the basis, of modern civilization.

International trade is only an extension of the same principle. It is territorial division of labour, for the common good. Not more than fifty years ago, each nation in Europe was striving, rightly or wrongly, to be self-supporting, in the sense of producing, within its own frontiers, every necessary of life, and of importing only such produce as Nature had denied. Were its own products inferior to those of other countries, and more costly to raise, still they were preferred, *because the means of locomotion were limited, and so expensive as to neutralise any advantage derivable from imports.*

But since railways or steamboats connect every inland town and port of any consequence in a kingdom or on the continent, or even in the world, exclusiveness is no longer possible. Each nation strives to produce some raw material, or furnish some staple commodity, with which it can supply any other nation, or all other nations; and receive in return for it whatever may be necessary for its own sustenance or gratification. Any people unable to take and maintain a place in the world's mart must *fall*, materially or intellectually, behind its neighbours. *Hence the importance of the highest qualifications, mental and moral, in every department of industry.*

For this purpose the aid of the teacher cannot be too earnestly invoked. Surely it will not be refused, through apathy or misconception. In spite of "financing" and fraud and false pretences that abound amongst us, the foundations

of public and private credit may be securely laid and maintained, provided we begin the work early enough. The school is the place in which the characters of our future merchants will be formed. When a single generation of them shall have been rightly trained, commerce, like manufacture, will proceed upon scientific principles, and speculation will become what it should be, the result of careful observation and of rigorous induction. Our periodical seasons of confusion and insecurity will be more and more remote, and ultimately disappear, like the pests and plagues we read of in the pages of mediæval historians. "The overruling providence of God shines forth as strikingly in the laws to which He has subjected men's interests and their wills, as in the laws which He has imposed upon weight and velocity, if not more strikingly."

Now, as to the means adequate for bringing about Reform, that consummation so devoutly to be wished.

There are, in the country, a great many self-styled commercial schools, but few of them are exclusively such, or on a basis sufficiently liberal to meet the demands of the age. In our public schools too one side is often called the modern department. Were this always well conducted, it would afford organisation and a chance of continuity. But the modern side, if popular with parents, is not so, commonly, with the best teachers, by whom I mean the men best fitted for the work, because they have enjoyed the highest advantages for it, and have their hearts as well as their heads and their hands in it. Such men say, "We can prepare for University scholarships, &c., because we know the requirements, we can find assistants, and we are furnished with proper books; but for anything beyond that we can form no plan. Supply us with a definite object, one worthy of regard, and some facilities for the pursuit of it, and there will be no lack of effort amongst us." Devoid of these, is it surprising that while the modern—that is, the mercantile—part of the school may enlist the sympathies and absorb the energies of a vice-principal, a secretary, and perhaps the professors of one or two modern languages, it has no charms for the head-master,

> Whose locked, letter'd, braw brass collar,
> Shows him at once the gentleman and scholar?

Yet I know of no other provision made for the particular requirements of the mercantile community; it is probably fair to presume that none exists, accessible to all parents and adequate to their necessities. Let me then suggest that after the elementary schools for all children up to their

tenth year, there should be higher trade-schools, and, lastly, collegiate technical schools for commerce exclusively. Or, if the several guilds and livery companies could be induced to co-operate in such a project, there might be a guild school in every town provided with a guildhall, and in each great centre of industry a guild college, the whole collectively constituting a trade university, to be established in the metropolis or wherever else convenient. In London alone there are now upwards of seventy-four trades' companies; and of these, twelve, from their superior importance, are known as the "Great Livery Companies." In the two bodies we have the germs of a number of model trade-schools and at fewest of twelve guild colleges. For the present I say nothing of trades-unions, and, for ulterior consideration of this matter of the guilds, refer to a paper read by me, January 29th this year, on guilds and their functions, before the Society of Arts, and reported in No 1,054 of the Journal of that body.

But guild-schools would soon share the fate of our guildhalls, and become effete, if not supplied with living instructors educated in harmony with the spirit of the age and prepared to be progressive.

As to elementary commercial instruction, or that of the trade-school, I will only venture to submit my own notion of it. Supposing that in the elementary school, and before the completion of his tenth year, the future merchant has gained possession of the keys of knowledge, the arts of reading, writing, and of simple calculation, let him at once be set to learn what a bountiful provision exists in nature for the supply of man's necessities; let him be introduced to a small collection of raw materials in a school or trade museum, and be furnished with books that treat of the treasures of the mineral, the vegetable, and the animal kingdoms. As he becomes acquainted with them, and with the localities from which they are obtained, let him be told that the valuable properties of most of them have become known to us through the *Sciences of Observation* (Geology, Mineralogy, Geography, Economic Botany, and Economic Zoology).

From comparing the resources of different and distant regions, let him proceed to contrasting the condition of their respective inhabitants; and be shown that the progress of these in civilisation, and their enjoyment of all the comforts and conveniences dependent thereon, has been determined, very much, by the amount of knowledge they possessed of the natural resources of their own soils. Let him be informed that the poor savage has acquaintance only with the surface of

the country over which he roams, or at most with that and the running waters around him, but is ignorant of the iron and copper and gold, it may be, beneath his feet, and even of the coal that would warm his wigwam and cook his food. Let him then be told that mere manual labour is little better than raw material, and is sinking in value as an element of production; while mental labour is rising, and is the chief requisite in all those divisions of industry, which are practical applications of the *Experimental and Transformational Sciences;* such as the MECHANICAL, comprising Building, Clothing, Engineering, Manufacturing, Mining, Printing, &c.; the CHEMICAL, comprising Assaying, Baking, Bleaching, Brewing, Dyeing, Smelting, &c.; and the PHYSIOLOGICAL, comprising Agriculture, Cattle Rearing, Gardening, &c.

He might be informed that among the earliest forms of muscular labour was the one originating in slavery; that next came the substitution of animal power; then simple manual contrivances, soon elaborating into machinery; then gravitation, wind-force, and the flow or fall of water; finally, all the more subtle and invisible agents of matter were pressed into service. He would hear that the accumulated experience of ages is the most valuable of our present possessions, and learn that its preservation depends entirely upon the maintenance of public instruction. He might be told that our national wealth consists rather in the power to replace the waste of consumption and decay than in the accumulation of stores from bygone generations. His curiosity might be aroused by the presentation of a problem like this: "How shall plus, added to plus, give minus?" Or, "How comes it that while raw materials rise in value—coal, for instance—because of the competition for the possession of them, and while labour and skill also receive higher remuneration from similar causes, we obtain useful commodities, cotton, silk, clothing of all kinds, houses, furniture, &c., and the means of travelling at home and abroad, at far less cost than our forefathers?" The solution of the problem is seen in the fact that, during the lapse of ages, a number of useful mechanical inventions and scientific discoveries have become common property, and that we, possessed of these, can afford to work more cheaply now than others who had to pay for the first privilege of using them.

Having learned that excellence in the arts of production depends upon labour being properly divided and distributed, or upon assigning to every worker that task for which, by reason of his efficiency, natural or acquired, he possesses the greatest aptitude, and also upon combination of effort, he

would soon perceive how exchange follows as a natural and necessary consequence. He might be told, as a curiosity, that while animals imitate men in several things, and approach them in a few, animals have never been observed to exchange: men alone do that. That an industrious people *must* always be commercial; that labour, and skill, and thrift, exercised in one region of the earth, *must* call forth corresponding efforts and qualities in other and remote localities. That commerce may be exactly defined as co-operation on the largest scale; that its aim is quite other than that too often ascribed to it, "overreaching," namely; that a merchant benefits the community only when he acts wisely; and the shopkeeper renders good service, just as he serves his locality properly, and "each in fulfilling his function reaps the harvest of well-doing in profit." That there is no such thing as a fixed amount of property in the world, to be divided equally or unequally, as cunning or clamour may dictate, but that the limits of production are marked by the intelligence and the morality of a people. Nor do producers necessarily limit their efforts to such acts as are productive of gain: far otherwise. As Mr. Laing says, in his excellent "Theory of Business":—

"The noblest gifts, and services of indescribable importance to humanity have come from this class. No hospital for incurables, or almshouse for the aged, or asylum for the orphan, but has benefactors in the counting-house or the manufactory."

Should anyone demur to accepting the above as a practicable scheme of instruction, I shall be happy to refer him to the actual lesson-plans of trade-schools abroad, and to treatises prepared for the use of their numerous pupils. It is unnecessary, to-day, to present accurate statistics of the number of such schools, or of the pupils in attendance; but I point to the position that foreigners are obtaining amongst us, as men of business, and ask how it is that they generally succeed in competition with our young men? I know that in "military" Prussia, besides several State industrial schools (Staats Gewerbeschulen), there are large private trade-schools at Berlin, Breslau, Frankfort-on-the-Maine, and Heldesheim; besides commercial "institutes" in which the number of pupils is smaller. Saxony has done more for commercial training than Prussia. In Leipsic, Dresden, and Chemnitz are trade-schools for young men, with courses of study extending over three years; other courses for two years are open to school boys and apprentices. In less important towns of Saxony are similar institutions; in Plauen, Bautzen, Pierna, Oshatz, also in Gotha and Gera. In South Germany the number of such

schools is far greater than in the North. That of Munich, in Bavaria, is deservedly celebrated.

With regard to "What is to be taught in a higher trade-school, technical-school, or college?" The subjects in which special instruction is given in Prussia are mercantile calculations of all sorts and adapted to all occasions; book-keeping similarly; correspondence in at fewest two modern languages, besides the vernacular tongue; the elements of social and political economy, or Volkswirthschaftslehre, as the Germans call it; the theory and the history of trade coupled with commercial geography; Waaren-kunde, or the knowledge of raw materials; Fabrikation, including practical chemistry, and Vertrieb, or manufacture and distribution; and finally, the principles of international law, so far as these affect commercial security, &c.

Everyone can form an idea of the value of some of the first-named of the above, but not of all the others. It will be readily admitted, for instance, that unless a youth has gone through a regular course of instruction in book-keeping, he will merely make entries mechanically, in the particular book or books entrusted to him, without seeing the connection of the series of which these form a part. Thus he will, while nominally "working at the books," be really learning nothing. And who will take the pains to teach him? A counting-house or a bank is a place in which knowledge of this kind is required for use, not one in which it is professedly imparted.

I need hardly say, too, that a youth possessed of practical knowledge of more than one modern language is more widely useful, and consequently much more likely to obtain promotion, than one who is devoid of the accomplishment.

Should anyone think I am losing sight of the public facilities already supplied to those who wish to choose a commercial career,—should anyone, for instance, point to our museums and annual exhibitions as so many schools for the young,—I reply that they are merely bazaars that hardly excite curiosity, unless they be frequented in the company of an intelligent guide. What clue does a clock-face afford to the works behind it? Yet these are the true tests of worth, and should be the subjects of display. How little is known of the minute subdivision of labour, and of its immense importance morally and socially! It is said that in some of the Swiss valleys more than a hundred different artisans find employment in the mechanism of a first-class time-piece. Now, if any one of these prove a defaulter, unskilful, or unprincipled, of what value are the intelligence and devotion of the remainder? And does not

the argument hold good at Clerkenwell or at Coventry? May it not be extended, and applied to nearly every branch of manufacture? And ought not every youth to be impressed with it before beginning his business career?

To conclude: let any man who has passed the meridian of life pause to consider how many of his early acquaintances have proved successful in the career they entered upon, and how many have utterly failed; how many of them move along the streets erect and self-possessed, and how many are spirit-broken and dependent;—I venture to say he will find the latter class the more numerous. If, on further consideration, he attempt to estimate the causes of failure and misfortune, they will seem to be varied, but two of them prominent: "Ignorance of the requirements of business," on the one hand; and "Unfitness for the discharge of duty," on the other. *The early education was not adapted to the work of life.* And for this wide-spread evil there is no remedy but amended training. I have striven to prepare the way for it, by clearing up some misconception. We have seen who commercial men are; what work they did in times gone by; what the present generation is doing; and inferentially what our posterity will have to undertake. Knowing their position we can understand their requirements, and set about providing for them: we may also hope to avoid some of the errors into which they have fallen. From the old guilds there is much to be learned: we may adopt their principles, but frame our plans in harmony with our own times. There is, too, the example of our neighbours for our guidance, if not our admonition. Between the two we can hardly fail to accomplish something, providing the will be there. Gratified to be able to sketch a plan for suitable instruction in lower commercial schools, at the least, I beg to leave the amplification of university teaching to men like our President of this Department, who will, I hope, tell us what is doing under his own supervision in Edinburgh, professorially and otherwise.

The Admission of Boys from Elementary Schools into Grammar Schools. By Rev. J. J. Raven, D.D.

Since the passing of the "Elementary Education Act," in 1870, the attention of the public has been directed from time to time to the advisability of reducing some of the difficulties which impede the entrance of boys whose wits exceed their wealth into the higher walks of learning. A ladder, it was said, was to be raised, having its foot in the gutter, and its head in the

university. In a certain sense, the ladder is reared, but some of the staves are missing. I do not presume to deal with the whole subject. My aim is to show practically how one defective place may be set right.

The want is felt to be no imaginary one. The nation needs all the ability which can be brought into action. Class feeling in education requires to be toned down—clever boys in elementary schools crave stronger meat than they get. Morally, as well as intellectually, they are likely to be strengthened by facing harder subjects and discovering the existence of wider fields of knowledge than those of their first school-days. How shall we meet this want? How shall we promote the progress upwards from the elementary schools?

Every district has its public grammar school, teaching Latin and mathematics to all; French to most; Greek, or perhaps German, to many. Such schools should become the acknowledged leaders of instruction in their several localities, holding out a helping hand to promising boys from the elementary schools, as well as educating others who may come to them.

It would be no difficult task to block out the country into divisions, according to hundreds or rural deaneries, or groups of them, each affiliated to its own grammar school.

Suppose, then, that the average number of boys in a grammar school be calculated for the last five years, it would afford a basis of operations if we were to say that one-tenth of this number should be admitted in each grammar school from the elementary schools affiliated to it.

The admission should be according to the result of one day's examination, oral and written, and no boy should be eligible as a candidate without a certificate of good conduct from the master and managers of his school. The subjects of examination should be reading, writing, arithmetic, and English grammar. At the hazard of entering too much into detail, I would venture to give my ideas of the range and style of questions in the last two of these subjects.

The questions in arithmetic should not extend beyond reduction, practice, vulgar and decimal fractions, and simple proportion. It might be advisable to curtail even this list. Their object should be not to discover latent power of computation, but sound knowledge of rules, or even principles.

In English grammar, examples for analysis should not be too intricate, and attention should be given to the ordinary solecisms of common talk.

Candidates, as a rule, should be under twelve years of age at the time of holding the examination. Exceptional cases

over age, if with strong recommendation, should be provided for in a modern or commercial department in the several grammar schools.

As vacancies occur, a fortnight's notice should be given to all masters of elementary schools, in the attached district, before holding the examination by which they are to be filled up.

No school fee, of course, should be required of any successful candidate after his admission into the grammar school, but he might not unreasonably be required to furnish himself with the necessary books. It does not, however, seem right in principle that those who teach should do their work gratis, and it appears only just that trustees of grammar schools should pay from their general funds the capitation of these selected boys from the elementary schools. In the case of grammar schools which are hampered by the "nomination" system, these selected candidates would be an excellent substitute for those who are sent free, often on no discoverable principle. This payment of capitation would vary from 5*l.* or 6*l.* a year in a grammar school of thirty boys to 50*l.* or 60*l.* in one of three hundred.

It may be said that harm will be done to these young boys by early competition. Now, I feel keenly the evils of early competition; but the very limited range of subjects proposed for examination will at once cut away the opportunity for "cram." The boy who works when he works, and plays when he plays, "thorough in all he sets himself to do," would be found, in this competition, far superior to the crammed prodigy, who, by degrees, would be discovered to be, so far as this is concerned, a mistake. Nor, again, would the number to be admitted—only one in ten—expose the scheme to the danger of swamping the grammar schools with boys from the elementary schools. It must be borne in mind also that the selected would be boys of good character, as well as of intellectual power, and that their position in the schools would depend on their maintaining their character. But the masters of elementary schools, some urge, will never throw themselves heartily into a movement which, if successful, will deprive them of their brightest boys. Now, of course, no master is pleased at the departure of an intelligent, well-conducted pupil, regarded only as a departure; but, on the whole, he would not be displeased, taking into account the probable advantage to the boy, and the credit of successful competition. It would seem that success in these examinations should be an additional item, though a small one, in the Government grant. So far, then,

from there being any valid objection to the admission of boys from elementary schools into grammar schools, there seems to be advantage all round—advantage to the selected boys, advantage to the schools from which they come, by supplying to them an additional, healthy, not undue stimulus; advantage to the schools into which they are admitted, by introducing into them boys who have won their position by their merits, and intend to hold it by their merits; advantage to the nation at large, which will be following out its old lines of action, as shown in its ancient universities.

In the second Punic war, when the exhausted Roman armies were recruited from divers sources, the wise consul, himself of one of the noblest patrician families, allayed class-feeling in these words: "Omnes satis honestos generososque ducerent quibus arma sua signaque populus Romanus commisisset." If this be right in the war of man against man, why not in the war of man against ignorance?

MISCELLANEOUS.

Sir T. Fowell Buxton, Bart., read a paper on "The Coexistence of School Boards and Voluntary Schools." In the course of his paper he said, the time which had elapsed since the passing of the Education Act had been too short to see what was its present state, and what would be its ultimate effect, the whole question is still in a transitional state, and the relations between the two shift from day to day, and so differ in different places that no general conclusions can yet be drawn as to the results attained.

As is the case with all our institutions, the particular work of establishing schools was first taken up by private individuals, and as the good of them was proved they were naturally and easily adopted into a permanent State system: this has been the case with Industrial Schools and Reformatories. There is now a struggle between the advocates of the two systems. Those who hold and believe in the voluntary principle will urge its freedom from rules, &c., and those who advocate the newer plan will point out how Government control is more far-reaching and less liable to leave gaps which it would be necessary for the other side to fill up. Such he took to be the nature of the struggle between those who took an active interest in the subject. But in struggles such as this it would perhaps be inevitable that men would use any arguments that might arise, and turn them as weapons against their opponents. But for the sake of education it was deeply to be regretted

that the disputes had been embittered by so much unjust accusation on both sides. School Boards having in their hands larger funds, they had the opportunity of raising the standard of education. Larger salaries were required for teachers, because many more were required; but larger schools would require fewer teachers for the numbers they contain. He hopefully suggested that the two systems could work side by side, and give a good education, an object which was far above all the petty squabbles which had arisen. It was part of his duty to argue in favour of one system against the other; but he only desired to show that the two systems were not necessarily in antagonism to each other, and that even within each district there is a sphere of work for both systems—a work which may be done by either, but which is in many cases best done by both acting together.

Mr. BLAKE-HUMFREY next read a paper on the same subject, remarking that the School Board system was the only one which would bring about religious education, and he thought such boards should be established in every large town, and every hundred in counties. The three years' operation of the Education Act has scarcely given time to gather many data by experience. The passing of the Act has been followed by a surprising increase of voluntary effort, and the formation of 544 Schools Boards. Had people felt full confidence in this new system of boards doubtless many more would have been formed, for adequate provision cannot be made for compulsory education without them. We may expect to see an increased efficiency of voluntary schools, and the formation of many more boards; and while the two systems are going on we may fairly discuss the question, though our opinion must be rather speculative. The two systems co-exist because the promoters of the Education Bill wisely utilised the then existing state of things; but this does not help us to understand why the opinion of the country has deliberately taken the side of the voluntary system. This opinion is curious, for School Boards secure completeness of execution, and throw expense on the right shoulders. Why then do a section of our countrymen still volunteer to do work, with less powers, which they might get done more effectually, and equally share the expense with their neighbours? The general causes of this are that English people like going on doing things as they were begun, and dislike revolutionary changes, and beginning new systems which they do not understand. They dislike bureaucratic regulations; to avoid which landlords and rich citizens increase their

school subscriptions, rather than undertake the business of a School Board. Rate-payers estimate above the mark the expense of a board. And to this may be added the prevailing religious view, viz., that board schools are, one and all, godless institutions.

The drawbacks of the School Board system are found in country villages, where men of business capacity are few, and there it is cumbrous and disagreeable. Local differences and considerations of expense are felt, and unpopularity is dreaded. Combinations of parishes are opposed by clergy and owners of property. There is also the religious point of view. The clergyman defends and promotes the Church school, and Church people think it a duty to keep up its distinctive teaching. Landlords like to retain their influence over the schools, and fear a dispute about rents if expense is thrown on rates.

But with all drawbacks School Boards will be found necessary in many cases. In the country a parish may be too small an area in which to form a successful board, but there is no reason why groups of parishes, to the extent of a hundred, or even an Union, might not be arranged for the purpose.

A School Board is an inevitable institution in every city and town. Without one, adequate provision cannot be made, or attendance be compelled.

The School Board system is best on religious grounds. The co-existence of various denominational schools is bad, because it separates the children, at the commencement of their experience in life, on matters of religion. The greatest boon we could confer on the poor, next to educating the children, would be to unite them in the belief that there exists in reality a common religion among them, and that this common religion is more important than the doctrines of any peculiar sect. There should be one system of religious teaching in all elementary schools, and it should be made part of the daily school work.

This is so also in the interest of the teachers. No greater blow could be struck at morality than that teachers should be made to think that they are not fit to be entrusted with the religious instruction of their pupils, and that pupils should be made to think that it is possible for them to get any true education apart from religion. The School Board system is the only one which can bring about a common religious teaching which need not lead to any disputes.

A simple Bible teaching, such as School Boards have already adopted, may be entrusted to all such masters and mistresses as are now being selected, which need not offend

parents or rate-payers. And this should be entrusted to School Boards.

The present managers of voluntary schools will not withdraw their personal interest and superintendence, but will be elected on boards, and delegated to look after the schools. An universal School Board system will be best, but need not be instituted by further legislation at present. The true solution of the question is to utilize the voluntary means so long as they are found to aid in the main object of education. The supporters of voluntary schools will find out that they may expend their money better in establishing higher schools for the poor, and in founding scholarships, to enable poor boys and girls of ability to go on with their education. If such things are voluntarily done to make complete our national system of education, we may look forward to the time when no marked ability will be kept down by reason of poverty, and when the country may be repaid by an additional supply of well-instructed and useful brains.

Mr. Joseph Payne read a paper intended to be a supplement to that which he had read at Plymouth in 1872 on the "Unsatisfactory results of our primary instruction." After repeating some of the well-known statistics as to numerical results, and contending that they could not be accounted for by the causes usually assigned, namely, (1) irregular attendance, (2) the shortness of the school course, (3) the absence of compulsion, (4) the insufficient number of teachers (though these causes, no doubt, had a considerable influence on the results), he went on to maintain that *the* cause was the unenlightened, unsympathetic, unscientific spirit of the teaching, as usually carried on in our schools. This was the main argument, but in dealing with it the writer called attention to the defence sometimes set up, that as the examinations generally show as high a percentage of "passing" in reading, writing, and arithmetic as 80 per cent. it is unreasonable to complain of the results, and proved that as the examined are generally a selected number of the children in the schools—not more than about half of the total—the real percentage is only about forty instead of eighty. In discussing this part of the subject the writer severely censured the not uncommon practice of "keeping back" children qualified by attendance from the examinations on account of their being "shaky," and therefore unlikely to pass—a practice which obviously tended to make the percentage of passes still further an illusory gauge of the condition of the schools. The writer then went on to discuss the

quality of the results, especially in reference to reading, and by quotations from the inspectors' reports showed their almost "unanimous concurrence" in denouncing the character of the instruction given in this subject. The inspectors complain of the inaccuracy, monotony, want of ease, of expression, emphasis, and generally of intelligence, which prevail throughout the teaching of reading. When even mechanically correct it was found that the words represented no ideas to the children's minds; they could, in the majority of cases, neither explain the meaning of the words, nor the drift of the passages they read, which were often merely committed to memory and said off by rote. Reference was also made to the teaching of "extra subjects," and it was contended, on the evidence of the inspectors' reports, that here, too, cram and drill were the prevailing characteristics. On the whole, then, the results, so unsatisfactory both in quantity and quality, were laid to the account of the teaching—teaching which was not education in the true sense of the term, and consisted for the most part in giving stones to the children who asked for bread. In the course of the argument reference was made to the fact that the teachers who fail to teach reading are certificated by the training colleges as competent proficients in the art of teaching, and the inquiry pressed, "Why is it these experts produce nothing better as the fruits of their art?"

Commander Dawson read a paper on the "Higher Education of the Blind," drawing attention to the very inadequate provision made for the blind in England as compared with France or America. Thirty per cent. of the blind who graduated in the Educational Institute at Paris earned incomes of 80*l.* to 150*l.* per annum as pianoforte tuners, and 30 per cent. more gained a livelihood as professional musicians. He referred in high terms of eulogy to the Normal College and Academy of Music for the Blind at Norwood, near the Crystal Palace, where they received training in three departments, viz., of general education, science and practice of music, and, especially with a view to self-maintenance, in pianoforte tuning. Physical exercises were also practised with good results, and a great gain in confidence to the pupils. The cost of a thorough course of training for three or four years was 40*l.* a year, including in this board and lodging. The pupils are carefully selected from the most apt scholars of existing institutions. A very high report was quoted on the tone and efficiency of this college by Mr. J. Rice Byrne, one of H.M. Inspectors of Schools. Commander Dawson said that at the Norwich Institution for the Blind there were two boys and one girl capable

of receiving such intelligent culture as to raise them into an independent position, so that they might support themselves, and acquire incomes of 100*l.* a year. Of course it would be necessary to spend some money upon their education, and Mr. Dawson made an earnest appeal to his audience for the requisite funds.

Mr. C. Meenacshaya, of Madras, read a paper on "Public Education in India."* He gave a sketch of the general system adopted, and stated that out of 40,662 pupils receiving instruction in various schools in the Madras Presidency only 424 passed the matriculation examination, 96 the first examination in arts, and 34 only that for the degree of B.A. He regards the matriculation as the lowest standard which will be of use to the pupil in after-life. The school instruction does not qualify him for anything more than ordinary clerkships or writerships, and he considers a system which does not include special instruction of a practical kind, having reference to mechanical and manufacturing callings, as highly imperfect, especially in India. He advocates the establishment of district trade-schools and a Presidency institution for advanced students who wish to make natural and physical science their special study.

Mr. Coomara Swamy (Member of the Legislative Council of Ceylon) read a paper entitled, "What should be the right aim of education in the East?" He remarked that the only legitimate excuse for European nations disturbing the existing governments and institutions of the East consisted in the desire to elevate them to a higher state of civilisation and happiness than that which they now enjoyed. To effect this widespread education was the sole means. This is almost a truism; but the question as to what is the *kind* of education that should be imparted to Easterns has elicited very conflicting opinions. Some have contended that it should be confined to the vernacular languages; others have maintained that English alone should be the vehicle used. Much contrariety of opinion has also been expressed as to whether education there should be only secular, or whether it should be given only in conjunction with the tenets of Christianity. All these were important considerations; but they have obscured the real aim which should be had in view in enlightening Asiatics. What India, with

* Printed in the "Journal of the National Indian Association," for December 1873.

indeed every other country in Asia, wants at present may be summarised into these three heads:—

1. Scientific education;
2. Industrial education; and
3. Female education.

This becomes apparent at once from examining into the cause of the decadence of the Oriental races. They all arrived at a certain stage of civilisation very like that which Europe attained in the mediæval ages, and there they have remained. Instead of progressing they stood still, while Europeans were ever moving on, and are still moving on towards greater perfection. It cannot be denied that the most potent cause of the progress of the races of the West is found in the development of science, arts, industry, and in the enlightenment of women. What indeed are the great characteristics of the present age? Undoubtedly it is the scientific and mechanical discoveries, and the greater equality between men and women. The effect of a correct knowledge of nature's phenomena is the most effective means of eradicating ignorance and superstition. And superstition and ignorance have found a congenial home in the East, simply because the Oriental never studied nature, as the Occidental has done. If, therefore, the East is ever destined to attain the position which Europe now occupies, the only hope is found in the wide diffusion of scientific, industrial, and technical knowledge, and in the emancipation and enlightenment of the women of Asia. Teaching the Hindoos mere literature and history would be teaching them mere words. This would be to some extent like "carrying coals to Newcastle;" for the study of words has already run to seed in India. What is most wanted is a knowledge of facts—the facts of nature. We have now come to a great epoch in the history of India. The intercommunication by rail established between the three Presidencies is a mighty event. The more railways India has the better for her future, whether her material or moral civilisation be considered. The Hindoos are just beginning to know each other. The communication between the East and the West is more intimate. North and south, east and west of that vast continent of Hindostan, teeming with immense masses of population, are beginning to have ideas and aspirations in common only now. And those who are educated are becoming alive to the importance of their country and to their destinies in the future as a regenerated race. It would, therefore, be a fitting opportunity for those to whom India has been, for reasons unknown, committed by Providence to be governed at present, to avail themselves of these facilities

and these yearnings, and to sow amongst the people the really revivifying seed of modern civilisation, Science, and not the comparatively worthless chaff of useless history and literature, to which unfortunately Eastern education has hitherto been more or less confined. An additional idea might be suggested. In India also Social Science Congresses might be held annually. And this not only in Calcutta, but, as in England, a new town should be selected every year. Madras, Bombay, Colombo, Delhi, Lahore, and many other towns in Central India, might each be selected in their turn for the annual Congress; and arrangements might be made for the educated Hindoos and Mahometans of the various parts of India to congregate there to discuss their common wants and wishes. Such a movement will be the beginning of a great end, and will result in social, moral, religious, and ultimately also political improvements, such as both the English and the Hindoos must be equally proud of. What, then, India wants is practical and scientific education—not mere book-learning—comprising all branches of useful knowledge, such as engineering, agricultural chemistry, knowledge of manufactures of all kinds, and also of navigation. What a great day would that be for India, when a Hindu crew, commanded by a Hindu captain, steams into New York or London in a steamer built by Hindus in Bombay or Calcutta! It is education of this kind, and not that which fits the people to become lawyers and clerks and aspirants for Government appointments, that should be promoted by all well-wishers of the Eastern races. There is an idea afloat that changes in the East should be guided by the maxim *Festina lente.* But the people of the East have lost so much in the race, and the new conditions under which nations and countries now exist are such, that even the high-pressure system of improvement adopted by Japan of late can indeed be defended with a great array of reasons. The restless spirit of the age is felt even in the unchanging East now, and it is for the West, which once learnt so much from the East, to discharge promptly her obligations towards those from whom it derived not only many of its civilising influences, but even its present religious conceptions.

HEALTH.

ADMINISTRATION OF THE SANITARY LAWS.*

What are the most convenient administrative areas for Sanitary Purposes, and what are the best means of administering the Sanitary Laws? By LEWIS ANGELL, C.E., F.R.I.B.A., President of the Association of Municipal and Sanitary Engineers and Surveyors.

"GREAT is the *vis inertiæ* to be overcome, the repugnance to self-taxation, the practical distrust of science, and the numbers of persons interested in offending against sanitary laws, even amongst those who must constitute chiefly the local authorities to enforce them." Such was the language of the Royal Sanitary Commission in 1871, and such, during twenty years' official experience, have I found to be the fact.

Notwithstanding the great advance recently made in sanitary knowledge, the real work is yet to be done; as yet we have only attacked the outposts, for, to quote the words of Dr. Guy, Professor of Hygiene in King's College, London: "Most of our towns, and all our villages, are still untouched by the hand of the sanitary engineer; a great work of cleansing has yet to be done in all our rivers and streams; there are swamps and marshes still undrained. When," continues Dr. Guy, "I bear all this in mind, I cannot condemn as extravagant the estimate of those who think that a fourth part of our actual mortality may be ultimately averted."

Perhaps the greatest difficulty we have to encounter is the want of appreciation of sanitary principles by the population at large—that "practical distrust of science" referred to by the Royal Commissioners. Nor do we encounter this difficulty among the illiterate or the poor alone; we know from practical experience how constant must be the effort to maintain domestic sanitary arrangements, and how frequently such efforts are regarded as "fussy." We have, of late, heard much about

* See *Transactions*, 1872, p. 320.

sanitary science, but what we hear comes from the active and the thoughtful few; the mass of the people are utterly indifferent; indeed, not a few, who claim to be influenced by common sense as well as religious feeling, still attribute ancient plagues and modern epidemics either to Providence or occult causes beyond the influence of hygienic or engineering efforts. Those who ignore the work of Howard and Jenner in the past, as well as modern experience and undoubted statistics, will at least admit that pollution of the air, impurity of water, adulteration of food, and overcrowding of dwellings, are productive of disease, and are preventible. Before we charge Providence with the results of pollution, we should at least enforce the maxim that "cleanliness is next to godliness."

The "repugnance to self-taxation" is another great difficulty the sanitarian has to encounter. To the mere "ratepayer" sanitary science means officials, public works, and taxation; an investment which gives no dividend, matters which may be postponed. The value of health, comfort, and prosperity, or the loss of labour and waste of capital consequent upon disease and pauperism, are matters of social economy of which the average ratepayer takes no account; he will endure poor-rates, and tax himself for luxuries, but he will not willingly submit to taxation for preventive sanitary measures.

The independence of the British character, the freedom of our institutions, and the theory that "an Englishman's house is his castle," do not conduce to that efficiency which involves sanitary house-to-house inspection, interference with domestic habits, and compulsory obligations.

Another obstacle to sanitary efficiency is the excessive cumbersomeness of sanitary legislation, which was recently pronounced by one of our Judges to be the greatest muddle with which the courts have to deal. For several sessions past all attempts at sanitary legislation have proved abortive. Social questions give place to political and party considerations. There is necessity for "home rule" in England, as well as for Imperial legislation.

Many radical reforms will occur to those experienced in sanitary administration, especially with regard to boundaries, governing bodies, and officials; but there is an instinctive feeling in Englishmen to maintain and utilise old institutions, and to effect reforms by engrafting improvements. I shall not therefore venture to advance any new theories in local government, but suggest improvements in existing arrangements.

Notwithstanding the difficulties and defects attending legislation, our existing opportunities for promoting sanitary

work are very considerable, if we only choose to avail ourselves of them. Our municipal corporations and local boards already possess great powers, and if such bodies were constituted of proper persons, and their powers judiciously exercised, a great improvement might be speedily effected in the sanitary condition of the country; but unfortunately we too frequently find that the energy of such bodies is expended in finding out "how not to do it."

The great principle of local government is based upon the theory that representative men of intelligence, business ability, and disinterested motives shall constitute the governing body; but in practice local affairs are too frequently avoided by those who are most fitted to take part therein. Local power and patronage are objects of ambition to persons of mediocre ability, and the position is frequently sought from personal and interested motives; thus local government may degenerate into littleness and obstructiveness in the hands of uninformed, prejudiced, or interested persons, to the exclusion of intelligence, sound judgment, and progress, a fact recognised by the Royal Sanitary Commissioners, who say "that no code of laws, however complete in theory, upon a matter of such importance and complexity as the health of the community, can be expected to attain its object, unless men of superior education and intelligence throughout the country feel it their duty to come forward and take part in its working. The system of self-government, of which the English nation is so justly proud, can hardly be applied with success to any subject, unless the governing bodies comprise a fair proportion of enlightened and well-informed minds. . . . It seems, therefore, peculiarly incumbent on those who have leisure to take their share in administering these laws." There are many who, while considering it *infra dig.* to associate themselves with local matters, write to the leading journals to denounce local authorities and public officials; but such persons would do far better service to the great principle of local government, by taking their proper part therein.

Too much of our sanitary legislation is permissive instead of obligatory; "shall" might with advantage be substituted for "may," in many instances. The duties of local authorities should be more precise and obligatory, and there should be more ready means of compelling negligent or evasive authorities to the performance of their duties. There should be general building regulations, applicable to the whole of the country. It should be absolutely obligatory upon all river-polluting, air-poisoning, or smoke-producing manufacturers to

purify their refuse and consume their smoke. Local officers should be in a better position as to qualification, remuneration, and protection; their office should be more ministerial; that is to say, in matters of detail and within well-defined limits, it should be the duty of the local officer to put the law in force directly, as is done, for example, by the metropolitan building surveyors, without the delay, intervention, and sometimes favouritism of the local board. If we infringe an excise law, give incorrect measure, or omit to register a dog, we are subject to summary proceedings upon the action of an official upon whom we cannot possibly retaliate; but if we infringe some wholesome regulation as to building or drainage, or poison our neighbour, there is delay; the offence must be reported to and discussed by the local authorities, among whom the offender may find a friend and the means of retaliating upon a "meddlesome official." A dependent officer is tempted to become a time-server and respecter of persons, and thus discharge his functions from considerations of policy rather than of duty.

There is great room for improvement in this respect. Local officers are frequently badly paid, injudiciously selected, and in all cases too dependent on local influences to be thoroughly efficient. Their duties bring them into antagonism to the pecuniary interests of large sections of the ratepayers, and sometimes even to their immediate masters; upon this point I could produce an amount of recent evidence from local officers, detailing acts of retaliation and evasion of the law under local government, such as would hardly be credited. Local officers ought not to be placed in any such position, and I will venture to assert, that had such officers from the first been judiciously selected, adequately remunerated, and duly protected, their influence upon sanitary progress would have been much more conspicuous. Speaking generally, neither the position nor the pay of local sanitary officers is such as to attract or retain efficient service. Every Poor Law official under the Local Government Board is protected, but sanitary officers under the same department, viz., the medical officer of health, the surveyor, and the inspector of nuisances, are not so protected, but generally subject to the will or caprice of local feeling; this, I assert, from long experience, is one of the greatest defects in local sanitary administration, and yet one which may be easily remedied.

In claiming protection for local officers I do not advocate centralisation; I would maintain the great principle of local government as a bulwark of social and political freedom, but local government is under constitutional control, and I claim

that the protection which is enjoyed by other classes of officials should be extended to the important functions of the local sanitary officer. I would insist that all officers of a local authority should be properly qualified, adequately remunerated, and that in the honest discharge of their duties they should be protected from the effects of ignorance and interested clamour; in short, that they should be able to discharge their duties efficiently and impartially, without fear of consequences.

Insufficiency of staff in large towns is a general defect in sanitary administration. The constructive details of house drainage require active supervision. Scavengering arrangements are generally imperfect, "Scavengering," said Mr. Rawlinson, in a recent letter to the *Times*, "is a matter of police." We have already in the country an organisation which might be made extensively useful in the detection and abatement of nuisances, as well as of crime; every corner of the land is supposed to be daily patrolled by a police-constable. A recent return shows that there is an average of one police constable to each 770 of borough populations; these men are local officers, maintained at a great cost, and have comparatively little to occupy their time and thoughts; they might render considerable assistance in preserving physical as well as moral order. In many towns one or more constables are told off to discharge the duties of nuisance inspectors. The subdivision of a sanitary district into smaller areas, making each constable an inspector on his beat, would secure much more efficient sanitary supervision. The most elementary instruction from a medical officer would convert an army of idle men into a health-preserving as well as a peace-preserving force.*

We are justly jealous of any system of espionage, but within proper limits inspection is necessary, and there can be no greater objection to a local constable promptly reporting to his superior officer an offensive dustbin, foul drain, a stagnant ditch, than to the intermittent visits of the special constable, designated a sanitary inspector.

In conclusion, I would urge that the object of future legislation should be to promote greater simplicity, completeness, and certainty in the operation of sanitary laws, and especially to secure greater efficiency in their administration, by affording protection to local officers.

Concurrently with the above we require the moral influence

* Since the reading of this paper, Mr. Lowe has prohibited the employment of police-officers as Sanitary Inspectors, the effect of which will be to increase "local taxation."—L. A.

of a higher tone of intelligence in the constitution of local authorities, and a better appreciation of sanitary principles by the public, without which, as the Royal Commissioners say, no legislation of this class can "be applied with success."

There are indications that the elements of natural science will, before long, form part of the curriculum of school education; and especially should sanitary science be taught, from the lowest grade board school to the college, because it affects alike the welfare of the prince and the peasant.

It is not to local authorities nor to Government influence that we must look for reform—reforms seldom arise from within; it is by the power of public opinion, guided by such influences as the Social Science Association, that we hope for sanitary progress. The efforts of boards of health, medical officers, and sanitary engineers, however well-directed, will fall short of their mark, unless there be also an intelligent appreciation of sanitary principles by the population at large.

On the same, by ALFRED CARPENTER, M.D.

IT is scarcely to be expected that any new views regarding administrative areas for sanitary purposes can be now enunciated, or any startling deductions made from new evidence which shall determine the best means for administering sanitary laws. The subject has been so ably handled by so many eminent men that I cannot expect to add any new thing to our general stock of knowledge.*

But this Association is formed for the purpose of educating the public mind upon those questions which require frequent repetition and repeated discussions before they are popularly understood, rather than for the publication of new matter. The reiteration of truths, as well as its proper sifting from error, is not, therefore, beyond our scope. Moreover, it was considered by the Committee of the Health Department that the time had arrived for suggesting some definite plan by which local authorities should be advised to shape their course in the future, and that we should also indicate such further steps for legislative action as experience may show to be necessary, so as to prevent the loss of power which now arises from want of concord between the different classes of local administrators.

The Public Health Act of 1872, imperfect though it be,

* A joint deputation of this Association and the British Medical Association waited upon the President of the Local Government Board in 1872, to urge, amongst other things, a large extension of area.

has been a means by which vast strides have been made towards the development of a proper public feeling upon sanitary supervision; and has also laid the foundation for an efficient network of inspection by officers who bring to bear a knowledge of preventive medicine upon the causes which produce disease. It should be the duty of these officers to act immediately that occasion arises, without waiting for instruction from some local authority or some superior officer. It may fairly be expected that the health officer shall be able to get on the trail of preventible disease, that he should put his foot down upon it as soon as it becomes manifest and before it has the power to produce a general epidemic of either disease or panic. This is the theoretical design of the Act of 1872, and in many places it is thought to be working to that end. But in most instances there is a missing link in the chain, which prevents the working out of the theory in the manner indicated. Neither can it be worked out in that manner as far as the country generally is concerned, because there are irreconcilable differences of opinion between local bodies, as to the most convenient areas for sanitary work, as well as the best kind of machinery for administering sanitary law—a difference which is at present irreconcilable, because the efficient working of the Act runs counter to some supposed vested right or some narrow-minded antagonism between local authorities who happen to exercise jurisdiction over portions of one and the same area.

It is probable that in a few districts the theoretical design of the Act is carried into effect; but where this is the case it has been brought about rather by the personal influence of the medical officer than by laws which should make the design effective under almost any circumstances. The proper working of the Act ought not to depend upon sufferance, because it has been amply proved to be a necessary contingency to efficiency that the first germs of those diseases which are amenable to sanitary law should be discovered to the local authority as soon as they appear, and no supervision can be satisfactory which does not provide for the production of this information.

The codification of the Sanitary Acts is a good work in the right direction. By its means guide-posts are now erected which enable the sanitary officer to wade through the mass of apparently irreconcilable legislation which permissive measures have brought forth. By its means he may find the nearest road to the performance of his duty, and avoid some of the numerous pitfalls which beset his path. Unless, however, the laws are carried into effect in every place it will be useless to expect that immunity from certain diseases which the pro-

moters of sanitary reform promise as the reward of sanitary supervision. It is necessary, therefore, that a common action should be followed against all violators of those laws, the correct observance of which impedes the origin or stays the spread of epidemic disease. Immediate steps should likewise be taken to instruct those anxious to do what is right to arrest its extension when it becomes developed; but there is at present no arrangement made by which in every case the first evidence of the presence of certain kinds of disease shall be immediately communicated to the health officer. This is the missing link in the chain, and unless the influence of an educated public can be brought to bear upon the ruling powers, the network provided by the Act of 1872 will remain comparatively inoperative against the unit of disease whilst it continues a unit, and whilst, therefore, it is comparatively under easy control.

To find out how this unit shall be easily and conveniently reached is the most important point in the whole subject under consideration. There are two ways by which disease is propagated,—

It may be produced *in situ* by the entire neglect of sanitary precautions, arising, as it were, *de novo*, certain germs (or tendencies, for those who dislike the word germs), under certain conditions, being capable of development into the essences of disease, just as dry rot will get into wood if the physical conditions are favourable. The law as it stands, and public opinion combined, are now amply sufficient to compel unwilling local authorities to do all those works which are necessary for the prevention of this class of causes, and which works may be summed up under the heads of general drainage, water supply, utilization of sewage, the removal of nuisances, and so forth. Until such works are carried out by the sanitary authority, it is not to be expected that the ravages of preventible disease can be materially stayed. But let it be shown that all the public works indicated as necessary for the well-being of a community are completed, there are still many possible dangers, out of sight as far as the public is concerned, and for the detection and removal of which the skilled officer is required to track out, prevent, and destroy before they have time to multiply the unit when it finds a home and spread it abroad. These dangers, therefore, multiply the unit of disease, and are distinct from the origin of disease *de novo*.

It has been well said by eminent statesmen on both sides of the Legislature that the health of the country is not to be secured by large drainage operations, but by a close supervision of every dwelling and every manufactory—of every place, in

fact, where men congregate together for any purpose; by an energetic prevention of nuisance. It was strongly urged by Mr. Stansfeld last year that "the individual house is the unit of sanitary work." This fact is now so generally recognized that it may safely be assumed that unless its importance is fully considered there will be a chance that the best means of administering sanitary law will not be secured. The duty of performing this supervision must devolve upon the medical officer of health, assisted by his bulldogs or non-commissioned officers, the inspectors of nuisances. It is supposed by many that the appointment of such officers is all that is required, and that they will find out means for effecting their object, but this is found not to be the case. The officers must have power to get the evidence they require as a matter of right and not of courtesy, otherwise they will be like firemen who only get the information regarding a fire when it has already destroyed much property. Unless they have the power of getting at the position of disease at its very onset their efficiency will be much curtailed.

The plain statement of this necessity at once indicates one class of persons who must be either health officers or in immediate association with them. I mean the medical men who attend upon the poor. The poor-law surgeons already constitute a network of active agents, ready and thoroughly competent to assist in the work, and whatever arrangements are made hereafter their services *must* be in every case secured, so that a portion of the missing link may be provided. These men are generally the first to perceive the commencing sign of an epidemic, though not necessarily so, because it occasionally happens that certain forms of epidemic disease have been most or only felt by the middle classes, who require protection, therefore, as well as the pauper class.

It may be said that if the poor-law surgeons are ready at hand, why not appoint them as acting medical officers of health? This brings me to the first portion of my subject, viz. are their districts the most convenient and most efficient administrative areas for sanitary purposes? Let me put a case. Suppose a district of 100,000 persons has (as it will have) five or six medical officers, and a dozen cases of fever arise, such as was the case in Marylebone the other day, each medical officer may or may not be in attendance upon an isolated case, the rest being under the care of private practitioners. No inference can be drawn at all as to the important point of causation, for each man remains in ignorance of other cases, even in his own area; but if all these cases are brought to the cognizance of

one medical officer at once, and who has nothing to do with their medical treatment, he will be able to get upon the trail of causation, and trace out the source of the disease much more certainly than the five or six unassociated medical officers, who will get very little evidence regarding causation from an isolated case, knowing nothing of those in private practice until a death has occurred, and it becomes noted in the registrar's return. It must also be borne in mind that the five or six medical officers are each rivals of the others, and not very ready therefore to admit the others to share in their own progress.

So again with small-pox. A sprinkling of cases inquired into by one who is not at all responsible for treatment will be much more certainly traced to the original source of infection than by half-a-dozen inquirers who know nothing of each other's cases.

There is also another serious objection. The number of poor-law medical officers is regulated by the density of the population as compared with its poverty. In a thickly inhabited place, with a large poor element, the medical officer attends upon the paupers of a small area, which may include one portion or one side only of a given street, or it may be the top of a hill or the hollow of a valley, the area having no reference to the line of drainage or the source of water supply. It may be that half-a-dozen families, supplied with water from a tainted stream, or impure surface well, and in houses situated in separate districts, though close to each other, have each epidemic illness among the household, and each medical officer is at a loss for causation, which would be easily made out by one man having information regarding the whole set. The districts are not, therefore, as regards efficiency, convenient areas for sanitary purposes. There are also other reasons against such appointments. The medical officers in populous and poor districts are not the men who should be the directors of hostile movements against a hidden enemy. In most cases they are the youngest and least experienced men in the profession, or new importations into the district, and looking out for practice, and as such not likely to command the confidence of their seniors in years, and sometimes their superiors in social rank. Whenever it is requisite for a concerted action to take place they would not be followed, and great evils would arise from want of cohesion. To appoint, therefore, the union surgeons to be medical officers of health as a matter of course would be, as I have urged on a former occasion, similar to that of appointing the junior subaltern of a regiment, or the last newly-joined officer, to take measures for the defence of a corps against a hidden and dangerous enemy. It is no reflection upon the sagacity of the

subaltern to have the older and more experienced man placed in command, though it frequently happens that the former has often to do duty at the point of greatest danger. His services as a junior ought to be a necessary stepping-stone to the higher offices, and it ought to be a standing rule that no man should be appointed a medical officer of health who has not previously filled the subordinate post of union medical officer.*

It is evident from these and many other disadvantages that the areas superintended by union surgeons are not generally good areas for sanitary supervision, but it is a necessity that the surgeon should be in most intimate association with the medical officers of health. We may ask, what then is the most convenient area? The answer requires that it shall be an efficient and *possible*, as well as a convenient, one.

If we take the individual house as the unit of sanitary work, and insist upon the necessity of active measures being taken against the unit of disease in the individual house, which I contend to be the right basis of calculation, it is necessary that the area to be supervised shall not be beyond the physical power of the health officer to attend to. This area must be regulated by the ordinary chances of increased work under epidemic influences; it must be arranged upon a war basis and not as a peace establishment. A district, therefore, in which, under ordinary circumstances, forty or fifty deaths from all causes occur per week, and the area of which occupies 35,000 to 40,000 acres, is the utmost limit of efficiency for one man to investigate. If the area is larger, the population must be less dense; if the area is smaller, the population may be larger; but to extend the district beyond that size and density is to make a peace establishment sufficient to carry on an active warfare, and cannot be convenient, because it cannot be efficient in time of danger.

It will often be found that the "union" is both convenient and efficient, but this also will be frequently not the case, and the establishment of the rule will be followed by serious disadvantages; and, although there are many circumstances which point to boards of guardians as bodies already constituted and well fitted for the purposes of local government, I cannot but regret that any measures connected with general health should be placed in the hands of those who have had hitherto to deal only with the destitution of the country. A destitution administration

* I do not bring forward the difficulties that union surgeons might have to encounter in having to take proceedings against the men they are trying to conciliate, to whom they are looking for future preferment, but they are real difficulties nevertheless.

elected for that purpose will never be a good health administration, because it is the custom for guardians (a custom from which they cannot escape) to regard destitution with suspicion. It is often brought on by improvidence and vice, which mark their effects upon the actors themselves and their immediate dependants. It is fairly local, and can only be locally relieved; but public health is a matter more imperial than local. Epidemic influences, arising in one place, can rapidly spread to another, and health requires a different kind of administration to deal with it than is required in dealing with the poverty of a place. It is a serious error, therefore, to appoint those who believe their mission to be to check imposition and keep down the rates as the supervisors of sanitary work. It may be convenient for the present that the health officer should be appointed by the board of guardians, because the law requires it, but in no case should this be done without consultation and without agreement with those sanitary authorities who have nothing to do with the care of the poor, but whose area for poor-law purposes is included within the jurisdiction of the guardians. To have an *imperium in imperio* is a serious error, and it is to be urgently hoped that an enlightened public opinion will be used to prevent the scandal of a local board having health jurisdiction within a poor-law union appointing a medical officer who is independent of and without any official communication with the guardians of the poor whose district in many cases entirely surrounds the local board's area. In the same way, for a board of guardians so situated to appoint medical officers of health for the rest of the district, without any agreement with the local board, can only lead to a waste of money and to mischievous, because inefficient, work. The agreement for combined action ought to be made in every case; and non-agreement must be a scandal indeed, because it frustrates a beneficial Act of Parliament, and shows how not to do a thing in the most thoroughly obstinate and independent way.

A union area will not be generally an efficient area, because it has not been formed for sanitary purposes; and it is found also by experience that destitution authorities are not good judges upon health subjects. The area in some cases is too large for one man to supervise; more frequently it is too small for efficient service; whilst at times it so occupies the county as to easily cut up into three or four sections belonging to other unions whose boundaries are more natural. The next established area, viz. the county, much more nearly approaches to a convenient one. The boundaries of the county, in a great number of instances, are natural boundaries, and where they

are not natural, and it has been found convenient not to follow the boundary, as is the case in a few instances in which unions have been carved out of two counties, the same rule could be followed in those cases with less inconvenience than would attend any other arrangement.

It has been urged that watershed areas are those which should alone be recognized, but there are many more circumstances which oppose this idea than which support it, and at present they are quite impracticable without the formation of an entirely new authority, a course of proceeding not likely to be entertained by Parliament. Now there is a county authority nearly as old as the county itself, upon which already devolves the duty of dealing with questions connected with health administration—viz. the inquiries into the causes of violent deaths; the repression of crime; the care of pauper lunatics; contagious diseases among cattle; the detection of adulteration of food—all matters having a health significance, which would be in general accordance with a care of the general health of the people.

A county area divided into sections, having regard to present local boundaries when satisfactory, but also considering watersheds as well as centres of population, each of which sections should be supervised by a proper health officer appointed by the county, and paid by the county, but responsible for the proper performance of his duties to the local authority, having intimate and official relationship with the union surgeon and the medical officers of public establishments, with the right to ask for information when required from private practitioners throughout the area supervised by him, would be the most convenient, as well as the most efficient, arrangement which can be devised against the unit of disease. It is convenient, and it is practicable.

There appears to be a considerable analogy between diseases of the body and those mental disturbances which lead to the commission of crime and outrage. Mental disturbances are of two kinds: one class not amenable to the law, not recognizable as criminal, whilst another set clearly are so, and, as such, are punishable. There is a recognized staff of officials whose duty it is to take cognizance of outbreaks, to take the offenders before the magistrates for inquiry, and, when found guilty, to press for their cure by a process of counter irritation which is called punishment. The police force do as much in checking crime and outrage by their known presence as they do by bringing up for punishment those who actually transgress the law. Acknowledging their usefulness, it would

nullify their power if each man in the force was independent of the other, if each street, each hamlet, nay, different sides of the same street, were to have a constable appointed with no authority beyond his own boundary, and not recognizing or allowing any other authority to be exercised within his jurisdiction. The thief has only to cross the street, and he may laugh at the constable. This is a condition of things which could not be tolerated. Yet it is to some extent adopted in the present plan of making health appointments for limited areas.

Bodily disease may be divided into two great classes. One kind is not amenable to municipal law, because produced by causes not at present recognizable as injurious to State interests, not being brought about by the wilful or negligent action of another person, not amenable, therefore, to sanitary jurisdiction. The other is capable of production by the wilful act or the negligence of another, and can be prevented by known means. This class requires a supervising force in every district who shall put in an appearance when the laws of health are violated, as naturally as the police-constable is supposed to do when a breach of the peace is threatened. A policeman, however, without authority on the other side of the street, or a fireman declining or not allowed to play upon the burning house next door because it is out of his district, is somewhat similar to the present practice with regard to the appointment of health officers when the area to be supervised has no reference to natural divisions of the district.

There is also another view of the matter which is worth consideration. It is usual, when a new danger to a State threatens to arise, for a commanding officer to be appointed whose advice is to be followed as to the composition and character of the opposing force. This course has never been followed in the battle with disease (except in comparatively trivial cases). The ruling powers have not hitherto recognized the character of the work in which they are engaged. They have been contented with a kind of guerilla warfare, without any good bond of union and without any concerted plan of action, and with a commanding officer who has no special knowledge of his subject and without authority over his subordinates. This kind of warfare is no doubt most useful in hampering the enemy when no other is possible; but it can scarcely be said that such is the case now in the battle with disease in this country. The effect cannot be so satisfactory as it would be with regularly enrolled and properly combined forces.

I would not entirely repudiate the good which has resulted from the permissive plan of legislation which has been adopted,

and which in recent years has marked the progress of sanitary knowledge.

Whilst those who acted as pioneers of hitherto much-neglected sanitary work differed among themselves as to the best kind of practice, it was no wonder that our legislators were themselves at sea; and, as a natural sequence, they left local authorities to use their own judgment and act according to their light. This permissive plan is visible throughout the whole of the Public Health Act of 1848. The experience gained in those places which put that Act in force within their borders enabled Parliament to make much of that which was permissive in 1848 become compulsory in 1872. It is to be expected that much which remains permissive in the Act of 1872 will be compulsory in the next Public Health Bill. It is evident that there should be a commander-in-chief—a Minister of Public Health, as distinct from the destitution authority, and who should not be one with the destitution authority, but who should have official control over all matters connected with the public health, portions of which are now regulated by the Home Office, other portions at the Local Government Board. Next, there should be inspectors, having jurisdiction over one or more county areas, responsible to their chief. The county areas should be subdivided into such union or watershed areas as may best meet the sanitary exigencies of the case. Over these the county authorities should appoint medical officers of health, who should in most instances give their whole time to the duties of their office, sending their reports to and being obedient to the instructions of those local authorities who exercise jurisdiction over the area supervised by them.

The district supervised by the health officer should include the whole of a particular town, without reference to the borough or parish boundaries, taking, when convenient, the crests of the hills or sets of houses draining into one watershed or into one branch of a given stream. This arrangement can in most cases be easily carried out if the county is taken as the basis of elective authority.

The area to be supervised must not be larger than one man can personally inspect at least twice in the year, and this independently of those special inspections which should always be made when there is evidence of disease which may spread.

Efficiency requires this actual inspection, and it is a mistake to suppose that the work of the health officer should be guided by the health reports alone, and that there is no need of inspection unless disease has put in an actual appearance. There

must be the regular as well as the irregular inspection. The frequency of the latter will be determined by the evidence afforded by the outbreak of disease. To obtain this evidence the health officer must be in intimate relationship with the union medical officer, who should have positive instructions—indeed, it ought to be to his interest—to communicate the required intelligence to the health officer as soon as it arises.

A special form to be agreed upon by the health department should be in the hands of every union surgeon, who should, by its means, give immediate information to the health officer that such and such a disease has appeared in such and such a place. The form should also be in the hands of every practising medical man, who should transmit information of a similar character when he has the opportunity. A moderate fee should be paid for this certificate to both union surgeon and private practitioner. I do not hesitate to mention the point of fee, as, without this is conceded, the required information is not likely to be forthcoming in that regular order and certainty which should be the case. I would also take this opportunity of protesting against the custom of demanding gratis information upon health matters from medical men because they have hitherto acted on the principle that it is right to diminish the ravages of epidemic disease even at their own expense. It is all very well for a portion of a profession to give away that which is their own, but to take that as a reason for compelling the whole to give up valuable time without recompense, whether they will or not, is taking away the great pleasure of being generous.

It is absolutely necessary for the union surgeon and the private practitioner to be fairly reimbursed for his extra trouble, and although the health officer will have nothing to do with the treatment of the case, he may wish for a personal interview with the union surgeon. Such consultation takes up much important time—usually during the most valuable part of the day—and a fair fee should be allowed for it. I would urge that it should be an extra rather than be paid for by an addition to his salary, and these extras should be paid by the local authorities, and in no way should they come out of the Consolidated Fund. Thus a kind of fine would be inflicted upon a district whenever epidemic diseases arose, which would make the local authorities use a little more energy in favour of sanitary supervision than is the case at present among a certain portion of the members of local boards and boards of guardians, who now look upon "cheese-paring" and rate-saving as the *ultima thule* of their office.

It would also render somewhat less oppressive the present plan of paying union surgeons for their services, a plan which must be based upon the traditional Chinese custom of paying the physician whilst the patient is in health, but stopping his salary when he is ill. This is the principle now in vogue with boards of guardians. It is evident that if the pay is the same in a healthy as it is in an unhealthy season, the union surgeon is heavily fined whenever an epidemic breaks out among the poor, for the cost of the medicine which the union surgeon has to find, if the latter does his duty, is often more than the whole of the salary which he receives for his services. The result is a damaged pocket, and very often shattered health, as rewards for nobly doing a public duty.

The information I have thus sketched out is necessary for the efficient supervision of a district. It will be the duty of the health officer to inspect the place reported and give such instruction to the inspector of nuisances, or to other persons, as he may think right. He will require to be provided with weekly returns from the registrar of births and deaths, containing the number of the births, with the ages, residences, and causes of deaths registered during the preceding week, and the general registrar's office should be under the authority of the Minister of Public Health. The clerk to each board of guardians should also cause to be sent to the health officer a copy of the union surgeon's return as soon as it is sent to the board. He should also have a copy of every report made by the inspector of nuisances, and also those made by every medical officer of every institution within his district. The health officer will also require a full-sized Ordnance map of his district, upon which should be traced every line of sewer, the position of every well or other source of water-supply, and its relation to the geological formation of the district, the situation also of every slaughter-house and every manufactory of material likely to be injurious to health, and, indeed, every point bearing upon the subject he has to consider which can be included in a map. By these means he will be able to make out without much difficulty many of the problems he may have to solve. He should make his report upon the work done and the nature of his recommendations as often as may be required to the local authority for the district in which he is acting. He should also send a copy of the same to the chief inspector of his county. It would then become the duty of the chief inspector to see that the recommendations of the medical officer of health are carried into effect, and, if they are not complied with, to know the reason why they are not. Then,

if the inspector thinks fit, he should be the agent to take proceedings against the local authority for neglect of duty, while the medical officer of health should be the officer who should set the law in force against private defaulters. It would then happen that the medical attendant upon the sick and the union surgeon would appear in the case as witnesses only should they be required.

Hitherto I have said nothing about the duties of inspectors of nuisances; those duties are now so clearly defined in the Health Acts that it is quite unnecessary to say more than that each local authority should have an inspector for each parish or district; the question of drainage area is not required to be considered by them. He should be at the command of the medical officer of health whenever he should be required, and he should not be connected with the discharge of duties which devolve upon the destitution authority. It happens so frequently that the largest owners of cottage property in a given district are the greatest offenders against health laws, and at the same time they are the men who perform the duties of destitution authorities, and it is better for all health matters to be in the hands of district officers who should be independent of those who are frequently the greatest violators of sanitary Acts of Parliament.

DISCUSSION.

Mr. G. W. Hastings entirely agreed with Dr. Carpenter that nothing less in size than a county would answer the purposes which the Public Health Act was intended to serve, and he urged the suppression of the vestry element as a controlling authority in sanitary matters. If sanitary boards were properly constituted, gentlemen of position and intelligence would be found willing to take part in their administration, and he referred to the case of the London School Board, with such men upon it as Lord Lawrence, Professor Huxley, and others, as an example of what would occur on good sanitary boards. It was heart-breaking work trying to induce small sanitary authorities to do their duty. After the Public Health Act was passed, a meeting was held in Worcestershire, at which he was present; delegates from the surrounding sanitary authorities attended, and a resolution was passed, by a majority of twenty-seven to five, to appoint one experienced medical officer for the county, at a salary of 1,000*l.* a year. He was to devote his whole time and energies to the work, and the poor-law medical officers were to assist him by giving notice of all outbreaks of disease and otherwise. But on the return home of the delegates their boards repudiated the resolution, and refused to sanction such an 'enormous' outlay. He then determined to do all in his power to wrest from their

unworthy hands the powers of the Public Health Act. A memorandum of facts was laid before Lord Derby's Government, upon whom it was urged that it was utterly useless to have permissive legislation and small governing bodies to administer the Public Health Act. The Royal Commissioners would have reported in that sense had the Treasury granted a small sum of 1,000*l.* or 1,200*l.* for the expenses of sending them down to examine the areas; but when Mr. Lowe became Chancellor of the Exchequer he declined to sanction the expenditure. Consequently the Commissioners, having no sufficient local facts to guide them, made the most elementary suggestion that boards of guardians should be the sanitary authorities of the district, and Mr. Stansfeld's Bill was framed upon that model. Great efforts were made, by deputation and otherwise, to induce Mr. Stansfeld to make the county the area, but without success. He had since sought to remedy his error by sending inspectors—mostly young barristers, ignorant of sanitary science—to try to get the boards of guardians to appoint joint committees; but why did he not make them do so by Act of Parliament? They had an unanswerable case, and he trusted they would go again to Parliament and ask them to pass a measure making the establishment of efficient sanitary authorities compulsory.

Mr. W. H. Denham (Southsea) deprecated restrictions being placed upon the ages of the medical officers of health to be appointed, and mentioned an instance where too young a gentleman had been selected. He also advocated the appointment of a sanitary board and a medical officer of health for each county.

Mr. Sneade Brown (London) said Mr. Stansfeld appeared most willing to adopt Mr. Hastings' suggestions, but a cry had gone forth from the country party, 'We won't be subject to the doctors,' and Mr. Stansfeld relinquished his intention of adopting the proposition. Country gentlemen paid no attention to sanitary matters, but left them to the farmers; therefore he did not see how it would answer to make them the sanitary authorities.

Dr. Peter Eade (Norwich) remarked that it frequently happened that medical officers of unions obtained by canvass the appointment of sanitary officers over the heads of their fellow medical men. In the country their practices not only approximated, but often overlapped each other, and there was a good deal of clashing and competition. A great many difficulties would result unless the areas were made large, and the gentlemen appointed to supervise them were independent of those whom they supervised, as nothing but independence, and the power it gave, could make the Act work satisfactorily.

Dr. Charles Shrimpton (London) said medical men failed to do the good they would because they had not the power. People had no confidence in their power, but medical men should assert it. This was a general association which would give them more power and enable them to overcome all difficulties. People objected to a medical association because it gained a power it ought not to have; but there was no profession that exercised more good for society, for it exercised only good; therefore, the more power medical men possessed, the more benefit would society derive. The medical profession was more active in doing good than all other professions put together.

Mr. Wyndham Portal (Basingstoke) advised great caution being used before pressing the Government to make it compulsory that counties should be the areas. In Hampshire, where he lived, after the Act was passed, the poor-law inspector called a meeting of the chairmen and vice-chairmen of the boards of guardians to confer as to the area most advisable for sanitary measures. The inspector frightened them by proposing for the county the appointment of a varying number of medical officers (limited to seven) at salaries ranging from 700*l.* to 1,000*l.* a year each. He hoped the question of areas would be left optional at present. Watersheds, population, and other circumstances should be considered, as what was good in one district was not always good in another. It would be unwise to make a change until it had been found that the more limited areas had failed. The Sanitary Act had not been unfruitful of results. In his union the books provided for the health committee were teeming with objectionable things, which were now in course of removal. They had house-to-house visitation, and the result had been an improved condition of the district. The objection he had just heard, as to local medical officers not being a sufficiently independent class to recommend what they thought to be right, had not been realised. The object of sanitary measures was to stamp out disease at the shortest possible notice, in the shortest possible way, which could be done better by local officers making a house-to-house visitation, than by a county officer who received only reports. The reports of the Government inspectors would show which system was working the best, and upon those public opinion should be founded.

Mr. George Godwin, F.R.S. (London), observed that the question of cost lay at the root of the evil, and that unless the election of medical officers of health and inspectors of nuisances were taken away from the boards of guardians nothing could be done. They were thoroughly afraid of their masters, and many of them did not know what ought to be done. Until there was a proper education of officers of health very little would be attained by Acts of Parliament. He had examined many places in Norwich that morning where decency, morality, and health were impossible, and they could not be surprised if an epidemic should visit them. He had found a woman and six children living over a cesspool, and she said they were never well.

Mr. Baldwin Latham, C.E. (London), wished the question to be considered from a sanitary engineer's point of view. Mr. Angell's paper had shown the necessity of protecting sanitary officers; that protection was given in the Act of 1848 and repealed in the Act of 1858, and since that time men who would have done their duty were forced to pander to the wishes of their masters. It was very desirable to obtain the reinsertion of that clause in the next Sanitary Act. His own experience proved that those who had administered the sanitary laws had been directly interested in the prevention of the prosecution of sanitary measures entailing an expenditure upon themselves. Districts should be considered with a view to the works to be carried out by them, and not only with regard to the disposition of the sewage, but to the procuring of pure water supplies, which were absolutely necessary in every

district. There could not be a better illustration than the metropolis, which stood in two counties, and the control over it was such that sanitary works had been designed with a view only to a very limited area, contained within a much larger area, which should naturally contain the limited area, so that London absolutely dammed the natural outfall for a large district surrounding it. Some great sanitary authority was required, having absolute control over a great drainage area of the country; minor authorities might control limited areas, but the thing wanted was to make the public health laws compulsory instead of permissive, and to have some authority who would compel the minor authorities to do their duty. The question of *l. s. d.* was at the present time at the bottom of all sanitary works. In municipal elections there was generally a dirty party and a clean party, and where the public health was concerned the dirty party won by promising not to tax the ratepayers. Sanitary measures properly carried out were in the end economical. In some districts sanitary works had not been judiciously executed because those appointed to carry them out had been incompetent for the duty. At the present day a man wanted political influence, rather than a character as a sanitarian, to secure a berth under a municipal authority. The remedy was to make sanitary laws compulsory, and train the people in a knowledge of them.

Mr. Joseph Towle (London) did not approve of municipal bodies being entirely governed by the scientific party. There were men in most towns possessing common sense which was too often ignored by professional men.

Mr. T. F. Marks (Lowestoft) mentioned the fact of Mr. Angell and other municipal and sanitary engineers in Great Britain having formed themselves into a society *pro tempore* to try to convince Mr. Stansfeld of the necessity for protecting sanitary engineers and surveyors. He feared the experience of Mr. Portal, with reference to the satisfactory performance of the sanitary work by the medical officer in his district, was the experience of but very few, and he hoped the Congress would not separate without supporting the efforts made by the association before alluded to.

Mr. Angell, in replying to the discussion upon his paper, agreed that the extension of areas was one of the most important features of sanitary legislation; the mere town ought not to be considered as the boundary. In the case alluded to by Mr. Latham, with whom he was associated, if the two sanitary authorities quarrelled they could get no engineering or sanitary work done at all. He did not think all populations having one common interest should be under one common authority. Mr. Hastings had referred to the London School Board; it was a great example and it was a new thing, but Professor Huxley had already resigned and Lord Lawrence intended to do so. A board might be most efficient at first and then sink into mere vestryism. It was the function of the sanitary engineer to prevent what the medical officer was called upon to detect, and the former required protection equally or more than the latter.

Rev. A. C. Copeman (Norwich), had the honour to be vice-chairman of the guardians of the poor for Norwich union, which was not an urban

sanitary authority. His position had brought him into contact with many county boards, and he was bound to confess he thought the action of the boards of guardians under present circumstances was likely to be most unsatisfactory. There was a common vice attaching to them and to the sanitary authority of Norwich, namely, the vice of being an elective body sent up by a constituency thoroughly ill-informed upon sanitary matters, and who considered their chief duty to be to take care the moneys entrusted to their hands should not be squandered. He would like to know what was a board properly constituted. Did Mr. Hastings intend to make the whole of the county magistrates the sanitary authority, or a portion of them? He knew perfectly well the difficulty there was for a right-minded thoroughly-instructed constituency to obtain the particular exponent of their views whom they would choose. They must first instruct the people to see the extreme importance of efficient administration, and then send up men whom they could trust to carry out the laws effectively.

Mr. William Hope, V.C., said he had had experience on local boards of health, and nothing was more unsatisfactory than their mode of conducting business. One third of the board was changed every year; it was better to elect the whole body every three years. Every board contained one or more builders, who prevented anything being done. Nothing could be more absurd than the present areas. Many omissions had been made in recent sanitary legislation; the mode of providing money for additional works was exceedingly cumbrous and unsatisfactory. The Local Government Board send down inspectors who examine the proposals laid before them and report. It was a loose, happy-go-lucky system, and the inspectors were often misled through partial information. As regarded country gentlemen, who had been rather sat upon, he thought they had been invaluable in keeping other members in order. Whether a county area was best or not was open to question; it would be found in some cases the most convenient. A brook was often the boundary, but both sides of a ferry ought to be under the same control, and often a deal of money was saved where it was so.

Dr. F. T. Bond (Gloucester) was connected with fourteen sanitary authorities, and also with a board of guardians, and said the gentlemen who were *ex-officio* guardians were the salt of the board, and could efficiently do the work. Almost everything depended on the business capacity and ability of the chairman. He thought it would be found desirable to have some intermediate authority in the shape of a county board. The subject had been considered by Mr. Stansfeld last session, and until they had the report of the committee it seemed very difficult to dogmatise at all upon the subject.

Dr. Carpenter replied that he had based his paper on the assumption that the individual house must be the unit of sanitary work. The Rev. Mr. Copeman appeared hardly to have understood the bearing of that suggestion; they must find out the house where disease was produced, and then necessarily discover how to remedy it. His object in suggesting that county authorities should appoint medical officers of health was not that the county authorities should perform all those necessary sanitary works—which was contrary to the principles of

local government and of the independence of an Englishman's character—but, that they should be a controlling authority to make the officers do their duty. Mr. Baldwin Latham's observations referred to the engineer's and his to the medical point of view. The medical officers of health would find out where there was something defective, shown to be the cause of disease, and their report would go to the local authority, not to the county magistrates, who were supervisors, inquiring why certain things had not been done. The care of prisoners, the supervision of police, the charge of criminal lunatics, and the adulteration of food Acts were already in the hands of the county magistrates, and there had never been any good ground for complaint against them. Country gentlemen were not opposed to sanitary matters, which had only lately been thrust upon them, but they were disgusted by the petty meannesses shown by the elected men of the boards of guardians, and that was why they did not attend to them. By the system he recommended there would be no difficulty in getting at the unit of disease while it was a unit, and stamping it out before it could extend itself. The present system was like firemen going to a fire with their engines after it was burnt out. The question of expense was the greatest objection to skilled officers being appointed. If only half the immense sums expended in Norwich upon sanitary matters had been judiciously laid out, the city would have been benefited and the ratepayers less heavily taxed. Valuable lives were often sacrificed through the inefficient action of local authorities in sanitary matters. They were like the Italian monks who would not look through Galileo's telescope for fear of being convinced. It had never been shown to the guardians that if they spent a little money this year they would save a good deal next year.

The President (Captain Douglas Galton) thought, however much they differed in opinion, they would all thank Mr. Angell and Dr. Carpenter for their interesting and able communications. The difficulties announced to-day fully accounted for Mr. Stansfeld's difficulty in dealing with the question. A great many authorities were concerned, such as poor-law officers, sanitary officers, registration officers, and police, and what was wanted was a scheme to consolidate them all. The present was simply a tentative measure, and he believed Mr. Stansfeld employed it with that view. The present apathy of the public was due to the want of education in sanitary requirements—to the want of knowing that the existence of sanitary defects meant large poor-rates and less wages For this education good independent sanitary officers were required, who should be well paid and well educated themselves in hygiene and a knowledge of sanitary matters. It was easy to theorize on the expenditure of other people's money; there were many ways often of doing the same thing, and the person who paid naturally wished to express his opinion upon it; therefore they could not say,—we will have compulsory sanitary legislation, and lay down definite principles upon which to legislate. It was quite right to forbid a person to do that which would render water or air impure, but it was a very different thing to prescribe how he should spend the money in his own house.

DISPOSAL OF SEWAGE.*

What are the best Means, Sanitary and Economical, for the Disposal of the Sewage of Inland Towns?

A paper on the question was read by Mr. Alfred Smee, F.R.S., F.R.C.S., medical officer to the Bank of England. The greater part of the paper related to sewage produce and disease, a subject not embodied in the question before the department. Regarding the sewage question as one of the most serious problems of the day connected with medical and social science, he went on to examine the influence of sewage irrigation on the public health, and traced the origin of typhoid in certain districts to the disposal of sewage over the land, poisoning wells and rivers, and throwing off a pestilential effluvia, even after the earth is dry and in the coldest of weather. When milk has been the vehicle of typhoid poison, he said, the following causes have been assumed:—1. Foul water, containing typhoid poison, had been added to the milk. 2. The milk had absorbed the typhoid poison from the air. 3. The cow had been in a diseased state. 4. The cow had drunk sewage. 5. The cow had eaten sewage deposited on the outside of the grass. 6. The cow had eaten grass the juices of which have been affected. The treatment of the subject requires great prudence and moderation, for it is clear, where millions of gallons of water have to be dealt with, that the fluid must ultimately go by some river or channel to the sea, or be distributed over so large a surface that it can be absorbed by the earth, a case which can but rarely happen. If a due supply of water for ordinary cleanliness be employed, the resultant discharge of water from large towns must always be enormous. He submitted that the only safe plan, under the circumstances, is to confess our ignorance, and to set to work experimentally to decide the question at issue. First, to try to keep the sewage proper within a more reasonable compass, and separate from the enormous bulk of water with which it is mixed. Secondly, to endeavour to destroy the poisonous character of the sewage, and get it into a state adapted for vegetation. Thirdly, to endeavour to cleanse the water by precipitation, and then by filtration through so large an area of land that a pestilential marsh is not created. When all these things are effected, and the public health secured, it will be time to consider the econo-

* See *Transactions*, 1871, p. 408.

mical bearing of the problem; but life and health ought to be considered before any question of wealth and gain. It is folly to trust the management of sewage to town councils, constituted as they usually are, especially whilst we are ignorant of the best plan to be pursued. The only practical method is for the country to place the sewage from one or two of our large towns under trained persons, accustomed to original investigation and to the interrogation of nature, to work out experimentally the matter, that the country may know upon what principles, under varying circumstances, the distribution of sewage may be rendered innocuous, when, from the circumstances of the case, it cannot be carried to the wide ocean, which, with our present knowledge, is the safest plan that can be followed.*

Dr. PETER EADE gave a short historical account of the Norwich Sewage Works, with a brief notice of the health of the city. He said:—The history of the Norwich Sewage Works dates from the year 1865, but for some time before this attention had been drawn to the increasing foulness of the river, in consequence of the discharge into it of the sewage from some three thousand water-closets, besides the refuse from many factories and dye-works existing on its banks.

The river Wensum, with its tributaries the Yare and Taas, flows through the city up to almost its further part, where the tide is stopped by the dam of a water-mill. From this point to Yarmouth, where it flows into the sea, there is a fall in the river bed of only about eighteen inches. The scour of the stream is therefore very small, and totally inadequate to carry the sewage matter far away; the result was that this first two or three miles became practically a foul and reeking sewer. In process of time this contamination increased, and the river became a nuisance not only within the city boundaries, but also to the inhabitants of the suburban village of Thorpe —being strongly suspected of having caused some severe sickness there. An injunction was therefore obtained from the Court of Chancery by the inhabitants of Thorpe, to stop the discharge of the sewage into the river, and the Norwich Town Council, uncertain as to the best plan to adopt, sought the advice of Mr. Bazalgette, who drew up a scheme for the removal of the entire sewage, which comprised the formation —first, of two ranges of sewers; second, a reservoir to receive it; third, a pumping station adjoining this; and fourth, the

* Mr. Smee's paper has been printed in pamphlet form.

hiring of 1,100 acres of land, located on a hill two or three miles from Norwich, up to which the sewage liquid was to be forced for the purpose of irrigation. The cost of this was estimated at 80,000*l.* Much opposition was raised to this scheme, on the ground of its cost and the uncertainty of its success; but, eventually, the necessary land was hired of the late Sir R. J. Harvey, at the rate of about 3*l.* 5*s.* per acre. A local Act of Parliament was obtained, and contracts were entered into for the erection of the first portion of the necessary work. Soon, however, difficulties arose with the contractor, and the work was thrown back on the hands of the Corporation. After a time, the Town Council decided to be their own contractors, and entrusted the superintendence of the work to their able and indefatigable surveyor, Mr. Morant, in whose hands, and in spite of great and unforeseen difficulties, the sewers steadily progressed, and by the end of 1871 seemed to be nearly completed. In proof of this, for some weeks the sewage was pumped on to the land, but it was soon found that instead of two and a half million of gallons, as estimated, nearly double this quantity had to be dealt with daily, in consequence of leakage in the tube. After some partial stoppage of the leaks by Mr. Morant, the Messrs. Hawksley were applied to, and by their advice iron linings to parts of the sewer and wooden struts to strengthen other weak portions of it were tried; but in spite of all this the leakage has continued to be very large, whilst at one time the channel threatened to become almost choked by silt and solid material.

In consequence of all this delay and difficulty, the expenditure on the sewage works had run up to 113,000*l.*; but though about three million gallons of sewage liquid have for some weeks been daily pumped on to the land, yet twice as much more still passes into the river at Trowse.

The problem of sewage farming, therefore, we have unfortunately had no proper opportunity of testing, and the various questions of the proper quantity of land in proportion to population, of the best method of applying sewage, of surface irrigation *versus* downward intermittent filtration, &c., &c., have had no illustration here. About 123 acres of land have been prepared by channelling for surface flooding, and by help of these the sewage liquid has been satisfactorily applied with remarkable advantage to the growing crops. No ill result has been observed from the use of sewer-grown grass, or in any way as a result of sewage farming.

Norwich is a city of about 80,000 inhabitants, with a total inhabited length from north to south of about one mile

and a half, and many of its older streets following or abutting upon the curves of the river. The streets are as a rule narrow and often devious, and the density of the population was, according to the census of 1871, about 10½ to the acre.

As to the health of the city, taking the city mortality as a whole, the returns of the Registrar-General show that for 1872 this was at the rate of 26·3 per thousand living, against an average of 24·3 for twenty large cities and towns of England, whilst for the past five years the average death-rate has been 25·2. As to zymotic disease, for the past three years the average percentage of deaths to total deaths has from this cause been 24·9, whilst that of Wolverhampton, Leicester, and Nottingham (three comparable towns) was 22·9. From typhoid fever, the average number of deaths in Norwich for the past three years has been 55, and for 1872 only the same number, whilst the above-named three towns averaged 71 each.

In 1870 to 1871, Norwich suffered much from scarlatina, and in 1871 to 1872, from small-pox, but no special local or other features were then observable, nor did the foul river appear to be responsible for their outbreak or continuance. The mortality from zymotic disease generally has thus been rather larger than in other towns of equal size, but that from typhoid fever less. But though Norwich has escaped any true pestilence, yet her annual mortality is still 8 per thousand above the estimated necessary limit of 17 deaths to 1000 persons living. We must, therefore, not pause in our work of cleansing and purification. The multitudes of feeble and broken-down patients at our public hospitals show that our conditions of life are far from what they ought to be, and the sanitary arrangements of towns, as well as the economical disposal of sewage, therefore, still offer a wide field for discussion. In short, whilst thankful for what we have escaped, we must hasten to complete our drainage works, remembering the great principle that life and health are greater than money, and being comforted with the conviction that in sewage matters we most certainly have real "gold-diggings" for whoever may be fortunate enough to delve according to the right method.

Mr. Christopher Thwaites, C.E., City Engineer and Surveyor, Norwich, also read a paper with some reference to the question, in which he gave a brief description of the city of Norwich, as a typical inland town, with reference to its system of main drainage. The city, he said, is situated on the

rivers Wensum and Yare, has a population of 80,390, and is the centre of a large and important agricultural district, having but few manufactories; it is built upon gravel and alluvial strata which rest upon the chalk, which is in places of a very soft and treacherous nature. After a description of the drainage system, with pumping station, he stated that serious defects existed in the last mile of the outfall sewer from the weakness of the brickwork, which was not of sufficient thickness, and through which the land water forced its way into the sewer, less than one-third of the total quantity lifted from the sewer being sewage proper, the remaining two-thirds being leakage. He proposed, as a remedy, a new line of sewer, abandoning the defective portion of the present sewer, the cost being roughly estimated at 33,000*l.*, as the ground and buildings along the present sewer were much disturbed when the works were executed. Norwich, he said, is, on account of the difficulties which have to be overcome, an interesting and instructive example of an inland town. The paper gave a detailed account of the Norwich sewage works, and explained the plans which had been carried out under serious difficulties. Locally only it had reference to the question for discussion.

DISCUSSION.

Dr. A. Carpenter (Croydon) said fifteen or eighteen years ago Croydon was in the same condition with regard to sewage irrigation as Norwich was some time since, and even worse, for the Croydon local board was liable to be taken up for contempt of the Court of Chancery for not taking the sewage out of the river, into which it was then thrown. They obtained land out of the district for irrigation. Before the sewage works were executed the Croydon death-rate was 28, 29, and 24 per thousand; it was now only 17, 18, and 19. A large portion of the sewage produce was consumed on the farm at Beddington, one mile and a half away, where they occupied 500 acres for irrigation purposes. There had not been a single death from fever at Beddington for the last two years. The population was 3,000, and the mortality fourteen per thousand. Those were facts which could not be gainsaid. Dr. Smee said some deaths had occurred from well-water polluted by sewage. It had been found on investigation that some deaths from scarlet fever had happened in a thickly populated district near their outfall sewer, but they were all clearly traced to wells situated close to a cesspool, and an abominable ditch, which received the refuse of the houses, whilst a stream fed by the effluent water from the Croydon sewage farm had caused no illness at all. Dr. Smee's opinions had been stated before Parliamentary committees, whose report showed that his fears were unfounded. Dr. Smee had also said that the cattle

plague originated on the Croydon sewage farm. It never was on the farm, although on the hills in the neighbourhood, and one farmer said he believed his cows escaped it because they ate sewage grass. The foot-and-mouth disease was a long time getting to the farm; all the cows had it, but none died. Dr. Smee had alleged that the fever at Marylebone was caused by sewage grass, but there was not a particle of sewage grass consumed by the cows which supplied the milk. In no case had the Commissioners been able to find that sewage farms did the evil with which they were charged. Dr. Smee had stated that the trees on the sewage farm had died. Some of them had, because the farmer who levelled the ground, having no power to cut down trees, dug all round them, and cut away the roots, when, as a matter of course, the trees died. Manure was not useful until it was putrid. There was no fermentation of the sewage at Croydon; it was on the farm in two hours, and there was no smell on the land.

Mr. Womersley stated that he had put some sewage in his garden one year, and the next year his gooseberry bushes and pear trees died.

Mr. Hope, V.C. (Barking) said the question had been investigated by one or two Royal Commissioners, and he had himself served on a committee of the British Association five or six years, his colleagues being Mr. Williamson, Dr. Goldney, professor of agricultural chemistry; Dr. Corfield, and Mr. Grantham, a most experienced engineer. Dr. Smee was wrong about the outbreak of fever in Marylebone. He (Mr. Hope) had to trace out the question of the well in Buckinghamshire, and sewage had nothing to do with it. The cases he had referred to of cows dying at Edinburgh occurred thirty or forty years ago, when sanitary matters were very imperfectly understood. The cows lived in storeys one above another. There was no such thing as ova of hydatids; and if Dr. Smee had any facts with regard to the death of sheep from fluke on sewage farms, he should state them scientifically. Sewage grounds would not become swamps if they were properly laid out. The possibility of drainage had been proved, as would be found in the reports of the British Association. As to sewage-produced milk, Mr. Hope read a letter written by Dr. Maury Deas, medical superintendent of Parkside Asylum, Macclesfield, to the "Manchester Examiner," setting forth the result of an experiment as to the qualities of milk and butter produced by cows fed on sewage-grown grass alone, and then on after-grass alone, and proving that properly grown sewage grass formed a nourishing and wholesome food for dairy cows, and was exceptionally suited for them. He had himself fed an ox on sewage produce which would have contained the ova of hydatids if there were such things, and had carefully watered it at a horsepond. Dr. Cobbold, Dr. Marshall, Professor Corfield, and others, dissected the ox, with an entirely negative result. They had never cut up a more healthy animal. He would not advocate the use of sewage in growing watercress, as that was rushing needlessly into danger, because the sewage in ordinary towns did contain ozoa, which might be washed to the watercress and pollute it. In no other way did it seem possible for the ova of ozoa to be conveyed into the stomach of a human being.

Dr. F. J. Mouat, C.B. (London), observed that the Chinese, who

were bad engineers, had fed 400 millions of people for thousands of years without any aid from abroad. He found from the work of Dr. Hull upon China that in the thirteenth or fourteenth century an imperial prince had written a work upon the subject; treating of it from the earliest ages. The Chinese brought sewage matter directly into contact with the soil, and, although he had consulted Dr. Hodson, who had resided there many years, he could not discover that such application had ever produced disease. Typhoid fever as a specific disease was almost unknown in China. The great offender was water, which, with heat, putrefied the organic matter and caused the mischief. They must get rid of economical considerations, and attend to the questions of life and health, prevent fermentation, and destroy the materials which produced disease. The great enemy of water was fire; therefore apply fire to the sewage. If they wished to disinfect clothes they applied a high temperature, and at 250 degrees every possible germ was destroyed. Why not deal in the same way with sewage? The disposal of excreta was a difficult matter in tropical countries, where fermentation took place rapidly, and became injurious to health. In 1868 he had conducted some experiments by placing the excreta of 500 people in a retort from day to day, and subjected it to distillation to get rid of the water, which was in the proportion of 2,875 lbs. of water to 89 lbs. of solids per 1,000 of the population. Having got rid of the water, they subjected the solids to destructive distillation, and obtained from the residue an animal charcoal, containing all the salts obtained from the sewage. The experiment had since been taken up by the Government of India, and applied to the military cantonments at Dumdum, near Calcutta, having a population of 8,000. Scientifically the experiment was entirely successful, but economically it was not. There was, however, no doubt that it could be made so, and in support of the opinion he read a letter from the supplement to the *Calcutta Gazette* of November 17, 1869 (p. 799), written by Mr. W. J. Palmer, officiating chemical engineer to the Government of Bengal, describing the experiments he had made and the results. The gas produced per 1,000 head of population was (at a temperature of 87° F. bar. 29·7) equal to 1,156 cubic feet; charcoal, 39 lbs. The gas itself was not very good, but was capable of improvement. Shortly, the whole results had proved that the application of heat destroyed and permanently prevented the production of any of those morbid products which resulted in disease; that the salts contained in excrementitious matter were directly applied to the soil with no loss; that the ammonia, which was also a valuable ingredient in agriculture, was retained in the water, and might be usefully applied; that a gas might be produced with a high heating but a low illuminating power, and that the addition of some carbonaceous matter would make it available for lighting a town.

Mr. Cornelius Walford (London) said he was surprised that the precipitating systems of General Scott and Dr. Anderson had not been referred to. He had been to Nuneaton, in Warwickshire, to see Dr. Anderson's process at work, and thought Dr. Anderson had solved the difficulty. He recommended the appointment of a committee of the

Social Science Association to investigate the system. With regard to the Edinburgh meadows, there were some months when the sewage was not applied to them. If the sewage grass was so good, how was it milk was not cheaper? The answer was, "Cows fed upon sewage grass have only one calf." [Dr. Carpenter: No.] He did not believe in burning manure, which destroyed that which ought to go back to the land.

Mr. Rawlinson, C.E., C.B. (London), was a member of the Royal Commission which sat eight years inquiring into this question. The Earl of Essex represented the Lords, Earl Seymour the Commons, himself and Mr. Austin engineering, Dr. Smith and Dr. Moon the medical department; J. B. Laws, experimental chemistry; and Professor Way, chemistry. They examined every place in England and Scotland where sewage had been dealt with for agricultural and other purposes, and the results were recorded in their report, presented to both Houses of Parliament. Mr. Laws was dissatisfied with the experiments they had seen conducted, and the Treasury sanctioned their leasing land specially to carry out experiments. Land was obtained at Rugby, and portioned out in plots; the experiments went on continuously for years; analyses were made of the land before irrigation and during irrigation, with the sewage before it went on and after it came from the towns, and with the produce in every form. The grass was weighed; certain lands were kept in the ordinary way, without irrigation; cattle were purchased—cows and bullocks—and were fed in various proportions; the milk was measured from day to day, and analysed accurately; exhaustive experiments were made, which cost the Government about 8,000*l.* and Mr. Laws 2,000*l.* to 3,000*l.* out of his own pocket. The final results were: that the proper place for sewage was the land; that sewage must be treated continuously as clockwork; that land cannot deal with it beneficially except during certain portions of the year; therefore, the beneficial effects to be derived from sewage would be confined to those portions of the year. They must have land sufficient, whether it produce a profit or not. The person who waterlogged sewage committed egregious folly: he put on too large a quantity of sewage, which could not filter through. A sewage farm should be in proportion to the population, and to the volume of fluid to be dealt with; five per cent. only of the area of the land should be put under irrigation at the same time. Thus, if the farm contained 100 acres, five acres should be capable of taking one-twentieth of the whole of the sewage. Land varied in its capabilities: porous and gravel soil was by no means the best for growing crops. A gravel soil would transmit the sewage until the subsoil would absorb it. Sewage did not necessarily breed disease: when it did there was some malarrangement. Sewage should be applied day by day, and not be retained until fermentation set in. It was a waste of money to make storage tanks. He had no evidence that sewage ventilating shafts bred disease. There were many in the West-end of London, and the mortality was as low as in other parts of London. To seal them up would cause London to be decimated with typhoid fever. It was utterly impossible to have a stereotyped process for dealing with

the sewage of all towns; each case must be studied by itself and the system most suitable applied to it. The Fulham experiment referred to by Dr. Smee as having failed was not a sewage experiment at all. The Edinburgh experiment was coarsely tried, and coarsely carried on, but what were the facts? Portions of those meadows had been continuously irrigated for more than 200 years, when an attempt was made to stop the irrigation. The owners resisted at law, and since that time a considerable portion had been under constant irrigation for forty years. All the attempts to prove that the meadows caused excessive disease had failed upon investigation expressly instituted to ascertain the facts. The question of hydatids, or tapeworms, had been thoroughly examined in hospitals and similar places. He knew that the ova of tapeworm got into sewage, but he had been told by a professor that the ova had to go through a curious process before development in a human being. If a sheep ate grass containing ova, they would not produce tapeworm in the sheep; but if a man ate the meat of the sheep, he might get tapeworm. The ova must go through two living systems before becoming tapeworms. As to milk producing typhoid fever, cattle had from time immemorial drank the foul water near farmyards, and Great Britain had been healthy. He did not think the argument about vegetables grown from sewage need be pursued further: the manure in water was nothing but solid manure washed in by rain. Dry refuse laid upon land without rain would produce no crop. The reason why gooseberry bushes died was because the manure he put on was very strong in ammonia, which would kill vegetation. Undiluted sewage thrown upon plants would kill them. It was a most powerful manure in proper proportions.

Mr. Baldwin Latham, C.E. (London), said he had been a great enthusiast for irrigation where it could be properly carried out; but there were towns where it was difficult to acquire land sufficient to carry out irrigation schemes, and unless they had conditions of success it was useless to attempt irrigation, for failure would result and bring the system into general disrepute. Take Bradford, a town completely surrounded by buildings and many miles of houses, where no land within a reasonable distance was available for irrigation. What was such a town to do? To adopt the least costly, or more economical plan of dealing with the sewage in some other way—to make an experiment first on a small scale. Where sewage could be conveyed by direct gravitation, there was no other system which could approach irrigation from an economical or a sanitary point of view. He could corroborate Dr. Carpenter as to the diminished death-rate near Croydon, and instanced Norwood, which before the establishment of the sewage works had a death-rate of 22 per thousand, and since of only 15 per thousand. Very shortly the country would be called upon to consider a bill for the purification of rivers, and they should take cognizance of the fact, in order to prevent a mistake being made. Royal Commissioners had been sitting of late, who had issued certain reports, and fixed a certain standard of purity as to the discharges into certain watercourses of the country. Speaking from a practical and economical point of view, it was impossible to lay down one standard

of purity applicable to the whole country. In those towns which discharged their sewage into streams supplying other towns with water, it was well to insist upon a very high standard of purity; but there were other streams receiving refuse, which it would be a waste of money to attempt to raise to the purity required, because they were only used for manufacturing purposes, or perhaps for no purpose whatever. It would be of vital importance to the trade of this country if manufacturers were to be compelled to purify their water before turning it into the streams. It would obliterate the principles of free trade by putting a tax upon it. If a manufacturer had to purify many thousands of gallons of water a day, it would cost him a considerable sum, while he had to compete with a foreign rival who had no such condition imposed upon him. If the purification had to be done, the taxes for the purpose should be thrown upon the district in which the manufactories are situate, not upon the manufacturers, because those districts had grown up upon those manufacturers. With regard to the practice at Bradford, it appeared to him a waste of money to turn it into the stream. No doubt ultimate success would be attained when they combined the various processes of dealing with sewage. Earth closets might be used with advantage in many towns and villages, but they were not universally applicable. By no process of manual labour could they collect the whole excreta of a town. The most perfect experiment had taken place at Rochdale, where great expense had been incurred. The average deposit of the population was 36¼ ounces per day; but at Rochdale, with the most perfect system, they could only collect ½ lb. per head. The rest found its way to the sewers, and it was absurd to suppose that sewers could be done away with. He agreed with Dr. Mount as to the efficacy of fire, and thought commercial success in dealing with sewage was more likely to be attained when they combined the processes of fire and water.

Mr. P. H. Holland (London) said sewage was already manufactured for use, and all they had to do was to take it from where they didn't want it to where they did want it. Where they could get space the best place was to put the sewage on the land as quickly as possible. The Chinese did this to a great extent, but the whole country stank.

Mr. Towle (London) had inquired how many acres of land were required for the sewage of Bradford, and been answered 40,000. He advocated letting the storm-waters in towns wash the streets and then find their way into the gutters, and by resistance to the rivers. He advised the people of Norwich to pump their sewage into a tank on the top of their castle, and lay a pipe from it, filter it through a bed deep enough to let the whole outpourings through it; then throw it into a cellar underneath the pumping-well, and then spread it over the land.

Mr. W. C. Sillar (London) advocated the process known as the A B C process, which had suffered great disadvantages through the injudicious way in which it was worked. He quoted the report of Mr. Keats, chemical adviser for the Metropolitan Board of Works, and the results of some experiments at Crossness, which proved the efficiency, inoffensiveness, and value of the process. He also read ex-

tracts from an official report of the Town Council of Leeds, as to the purity of the effluent water, and the value of the native guano. As to cost, he advised the Congress to reject the evidence of any body pecuniarily interested in experiments. The town of Bolton had carried on the work entirely by themselves, and had sent them a report, which they had printed for general circulation. The manure was made at the cost of 2*l.* 16*s.* 6*d.* a ton. The quality of the water was extremely good, the value of the manure unquestionable, and the cost extremely moderate. He also quoted the report of Mr. Cloots, F.R.S., upon the process, and concluded by stating that every question had been solved by the A B C process.

Major-General H. Scott, C.B. (London), did not wish it to go forth to the world that he, with respect to sewage, thought his own was the only way in which it could be treated. He believed the water system was on the whole the best. Some people mixed the solid matter with ashes, but it occurred to him that if it was precipitated with lime, it would be of a nature to form an agricultural lime or cement. Perhaps it should be dried and then calcined. The organic matter in it supplied fuel to some extent, and so far saved the coal necessary to burn it into lime or cement, which was then simply ground and fit for the market. There were cases in which sewage might be thrown upon land at once with the deleterious matter in it, if the soil had sand in it, or it was not near large towns. If the sewage farms were managed by Mr. Hope, the principle might be safely adopted, but when they heard of pot-holes such as there were at Warwick, and of farmers refusing to irrigate, and during the night, or in wet weather, turning the sewage into the river, there would frequently be injurious matters in small streams. Therefore before the irrigation process was tried the solid matter should be removed from the sewage. It was very doubtful if towns having no water-carriage system at present would really carry out a water-system thoroughly; they would endeavour to get rid of the sewage on some dry system. It was impossible to treat a question of that kind in a few minutes, but he thought there might be a plan adopted of separating solids and liquids, and using each separately, extracting from the liquids by a chemical process the phosphates and ammonias.

Mr. Denham pointed to the importance of washing out the sewers to get rid of the filth, which caused foul gases. Any system of drainage to be really effectual should be applicable to any town, whether inland or on the coast. Unless that could be done they must have a variety of systems. If they polluted the sea, the sewage was cast up by the tide at some other place. He had seen in Norwich one of the most horrible sights possible to imagine—a mass of filth cast into a river; no fish to be seen, but a rat enjoying it delightfully! Sewage properly used was too valuable to be cast away. He had a farm of 200 acres, and knew the value of good sewage upon it. He recommended three tanks; the sewers converging to one point would empty themselves into tank number one; between numbers one and two there should be a communication capable of being shut off by a flood-gate or valve; and another communication with the third tank, into which

should go the effluent water, to be used for any purpose desired; for it was too valuable to be cast away; they could water streets with it. They should have a furnace on the top of the first tank, and burn to ashes a great deal of the soil to go into the tank. The fire would consume the foul gases in tank number one, and attract and destroy the gas in number two. On the top of the third tank there should be a large cistern, into which a steam-engine should pump the effluent water, to pass thence by gravitation to and wash out the sewers. There would be thus no expense of deodorising; no chemical agents to destroy any portion of the sewage, and in the first tank there would be an article applicable to the growth of root crops. In Portsmouth, where he came from, the sanitary authorities had spent 170,000*l.* and not done what they wanted, and now they were about to borrow 20,000*l.* more to spend. A good system of drainage would pay itself. Every outlet for sewage should be near a line of railway, and there should be properly constructed sewage waggons to convey away at reasonable cost the more consistent parts of the sewage to farms ten or fifteen miles distant, where the farmers would be very glad to buy it.

Mr. Angell, C.E. (London), said the question was more a practical chemist's than an engineer's. If they would point out the proper mode, the engineers would carry it out. Dr. Smee had left them in the dark as to what system should be adopted. The application of sewage to land was the only means of satisfactorily disposing of it. The allegations against irrigation had not been sustained. Since he had been in the room he had received the following analysis of results obtained under Whitbread's system at Enfield, Middlesex:—Raw sewage: total solids, 133·00 grains per gallon; loss by ignition, 64·40 per gallon. Effluent total solids, 42·00 per gallon; loss by ignition, 7·00 per gallon. The loss by ignition included the ammoniacal salts, but in spite of that eight-ninths of the organic matter had been removed, including the whole of the putrescible nitrogen. By a second cheap process the small quantity of organic matter left was completely oxidized, and the process need only be used where the effluent passed into a source of drinking water. The phosphate used was one pint by weight to 2,000 pints of sewage. With their present crude arrangements they could have the material ready for transportation within thirty hours of its leaving the tank. The analysis had been carried out by Dr. Sell, of Berlin, one of the first analytical chemists. General Scott's process destroyed nothing in the water: it got rid of the useless portion of the sewage, the sludge, by burning it into cement.

Dr. Smee (London), in reply, said the discussion had not been unprofitable. Every speaker had suggested a modification of the irrigation system as now practised. There was more of concurrence than divergence between the views expressed, and he wished they could work together to try to solve the question. If they thought he came there and promoted a social doctrine, let them read Dr. Letheby's book: let them look at Aldershot, with its 112 acres of sodden ground; at Banbury; at Warwick; at Rugby; at Worthing; at Carlisle, and at Edinburgh, with a smell offensive to the whole neighbourhood. Mr. Campbell had given up that farm, having made an absolute loss by it.

Everything he had warranted was in that book. He had never given evidence before Parliament but once, when he said sewage irrigation as *now* practised was a defunct thing. The ova of tapeworms were not things one could see easily, as there were 45,000 ova in every tapeworm. If sewage farms were to continue, in all probability some new disease would arise as bad as the rinderpest. The doctors in lunatic asylums were not in a position to make satisfactory experiments with sewage.

The PRESIDENT said the sewage question presented many points of difficulty, and the meeting would never come to a unanimous conclusion upon it. Each town must consider its own sewage system for itself. Irrigation properly applied was eminently successful. The true rule was to apply sewage to land rapidly.

A GENERAL BUILDING ACT.*

What Provisions are required in a General Building Act, so as to secure efficient Sanitary arrangements? By H. H. COLLINS, M.R.I.B.A. and M.I.S.

The following is an extract from a statement collated by *The Builder* from the Census papers of 1871:—

"Since the year 1801 we have expended on England and Wales 1,000,000,000*l.* in the erection of dwelling-houses alone, and representing 4,000,000 tenements. In the ten years from 1861 to 1871 we have expended more than 220,000,000*l.* in the erection of nearly 1,000,000 dwellings. Assuming that the population increases in the same proportion for the next ten years as it has hitherto done, namely, to the extent of about 3,000,000, it has been calculated that nearly 100,500,000 houses will have to be erected, at a cost of 261,692,000*l.*, involving an expenditure of 26,000,000*l.* per annum, or half a million per week!!

"A large portion of this stupendous expenditure will undoubtedly fall to the lot of the metropolis. How prolific for good may it be—how fruitful for evil may it become—what important interests, morally and socially, may it affect!"

I propose to consider one, and that but a very small instalment, of the restrictive conditions under which this vast body of work should be permitted to be executed in the metropolis, and for this purpose I would direct your attention to some of the omissions in, and the defective provisions of, the Act of Parliament known as the Metropolitan Buildings Act, 18 & 19 Vict. cap. 122.

---

* See *Sessional Proceedings*, 1873, p. 129.

As we may learn much from the past, in order to improve the present and render perfect the future, I shall in the course of my observations refer to an Act since repealed, 8 and 9 Vict. c. 84, which certainly possessed a far higher appreciation of sanitary requirements than the Act by which it was superseded. Both Acts primarily were passed to prevent accident by fire, and the introduction of the few sanitary clauses which they contain seem to have been rather the result of accident than design. Most of the clauses appear to have been transcribed from former Acts of Parliament, dating from after the Fire of London, in the nineteenth year of the reign of Charles II. (1679), and from that period up to the present date, extending over nearly two centuries, there have been ten Acts passed; and as each Act, with but slight exception, was entirely oblivious of sanitary considerations, it is not astonishing that we are encompassed with the difficulties and surrounded with the dangers to health which we now find, and which it is one of the aims of this Association to remove.

If we examine sanitary legislation from its commencement to the present time, we shall find that it has been but a series of spasmodic measures—the result not of calm analytical reasoning, but of popular fears, and it thus invariably betrays a want of research and well-weighed consideration, consequently its administration is difficult—its clauses confused and ambiguous, its objects often ill-defined—its authorities disjointed, acting without co-operation or harmony—the decisions of judges or magistrates conflicting and antithetical—and its legal procedure cumbersome and expensive. Confusion worse confounded is caused by the issue of bye-laws, which are often in direct opposition to the law of the land.

A digest only of the statutes relating to public health occupies a thick volume, containing 260 octavo pages. There are also about twenty fundamental Acts (including therein the Buildings Act), each containing clauses not only difficult of interpretation, defeating the wisdom of the best judicial experience, but absolutely irreconcilable with each other.

The remedy for this state of things lies in the codification and consolidation of the laws as relating to public health—in the words of the Royal Sanitary Commissioners—"That the laws should be made uniform, universal, and imperative throughout the kingdom." I leave for others the discussion how this should be effected; I have only to impress its necessity and to express a hearty concurrence in the general expression of opinion of the Sanitary Commissioners—"That all powers requisite for the health of towns should in every

place be possessed by one responsible authority, kept in action and assisted by a central and superior authority."

For the purposes of this paper I divide sanitary legislation under two heads, which for convenience I name Extra-Mural and Intra-Mural. By the former I mean all enactments applying exteriorally to dwelling-houses, and under the jurisdiction of the local highway authorities; by the latter I mean all enactments applying to a dwelling-house *per se*, the line of demarcation being drawn at the limits or confines of the public highway. I assume in the following remarks that all the extra-mural hygienic conditions are perfect, and confine my attention to some of the most important intra-mural considerations, which should be clearly provided for in a Metropolitan Building Act, and should be under the direction and supervision of the local authorities' officer, the district surveyor, who, for the purpose of unity of action and harmony of proceeding, should be in constant communication with the medical officer of health.

I commence with those great inconsistencies which disfigure the present Act, and which are designated as "Exemptions," and which permit to individuals or special classes immunities prejudicial to the public welfare. Reason and prudence dictate that from the Queen to the peasant, from the highest to the lowest in the land throughout its length and breadth, all should unite in a general endeavour to carry out those provisions which are so essential to their mutual happiness and well-being. The greater the interest the greater the example to be shown; and, as Mr. Holland happily expresses it, "No one has a right to expose even his own life to needless danger, still less can he innocently expose those of his wife, children, or neighbours." As an illustration of the truth of these observations, it is only necessary to call to mind that the result of permitting these exemptions cost the valuable life of the Prince Consort and nearly deprived this country of that of the Prince of Wales. In the present Act palaces and any new buildings in possession of Her Majesty—gaols, prisons, hospitals, barracks, lunatic asylums, cattle markets, canals, docks, &c.—are exempted from the provisions of the Act. In the former Act, 7 and 8 Vict. c. 84, these were placed, as I venture to think they should be, under special supervision.

The necessity for special supervision may be illustrated by the following fact: Running through the parish of Paddington is the Grand Junction Canal Company, the basin of which is to be found situated in its centre. For years past the water of this canal, owing to the carelessness and negligence of its authorities, has been impregnated with filth and excreta of

every imaginable description, reeking during warm weather with foul and pestiferous exhalations, diffusing themselves throughout the length and breadth of a populous and wealthy neighbourhood. In the present year, the indefatigable medical officer of the parish, Dr. Hardwicke, called the attention of the Vestry to this self-evident fact, and received immediate instructions to endeavour to abate the nuisance. Armed with full authority—supported by high legal talent—fortified with powerful and tangible proof, he promptly set to work. Acting "totis viribus," he obtained a conviction and an order for the company to cleanse the basin. Now mark the evils of these exemption clauses. An appeal to a superior court was lodged, and after some days the Vestry solicitor was informed by the magistrate "that he could not sustain the order, *inasmuch* as he believed the Act did not contemplate dealing with a canal company." Thus the efforts of the sanitary authorities were set at defiance, or rendered abortive—the active intelligence of the medical officer thwarted and paralysed, and the interests of a private but powerful company elevated and valued far above the life and well-being of a whole parish. Exemptions, then, should in my opinion be (unless under very special and innocuous circumstances) obliterated from any future Act of Parliament—those at present permitted are precisely those which should cease to be—and many of them should be under specific restrictions, and direct and special control; for as the morbific influence of ill construction is no respecter of rich or poor, of companies or individuals, so *public* works should be compelled to be erected with as much regard to *sanitary* and constructive regulations as *private dwellings.*

Intramural legislation must divide itself into the following considerations: Stability of construction—Hygienic construction—and aphlogistic construction—all happily so dependent on and incorporated with each other, that in neglecting the one you are certain to affect the other.

As regards Stability of Construction.—A clear and unambiguous definition should be insisted on for the word *foundation.* In the present Act it is specified as solid ground—concrete or other solid substructure—and even this applies only to the walling. In the past Act the foundations were to be "*sufficient foundations.*" Neither definition is adequate. It should be enacted that all damp, loose, or made ground should be removed, and that the excavation should be continued until a firm solid bottom on the virgin ground could be obtained. On this (under any circumstances) a layer of concrete of certain specified thick-

nesses, according to the superincumbent weight to be applied, should be insisted on, and its composition should be defined. Where essential, land-drains should be required to be laid in. The foundation proper being thus arranged, the safety of the building in all its conditions will have been materially provided for. The economy of a good foundation should be self-apparent; but as a tangible proof of its money value, Captain Shaw, after affirming the general truism that the safety of a building from fire depends very considerably on its foundations, and that 'great reliance may be put on walls built on concrete and any solid substructure,' states that the risk being diminished, the premium on insurance is likewise. The evils of a bad foundation in every sense need not be here insisted on, because every member of the Association, I am sure, appreciates them. Besides being excessively ambiguous, the clauses of the present Act (imperfect as they obviously are) are continually being evaded and set aside, and in truth are perfectly futile to ensure the erection of a stable, healthy, or fire-resisting structure. The same observations apply to the regulation for walling. The present Act demands footings for the walls inadequate for their support, and few members of my profession but discard this regulation and put them in as they think necessary. Except by induction the *quality* of the material to be employed is not specified. The former Act was much more explicit and judicious in its requirements. It should be enacted that all walls and footings should be erected of certain specified dimensions, varying according to the purposes for which the building is intended, the special conditions of height, and other statical considerations. They should be composed of good bricks or stone, or other material, which should be *new*, and combined with a properly defined mortar or cement—the use of *old* material is much to be deprecated, as, irrespective of its losing in many instances its value as regards strength and wear, it often contains within itself the germ of malaria, and imports into a modern structure the old elements of disease, which medical skill has done its best to eradicate. That a building may be and is impregnated with these germs is no illusive theory—it is well recognised—and insisted upon by eminent medical authority; and indeed the principle was perceived more than 5,000 years ago, when the Israelites were directed to pull down the infected house and remove the stones and materials thereof from out the camp. Between footings of walls thus built of good, new, and sound materials, there should be imbedded an impervious damp course, and no floors, whether of wood or stone, should be permitted to be laid

which did not allow of at least twelve inches between themselves and the highest part of such footings; moreover, the exterior earth should not be allowed to be made up beyond the line or height of such damp course. If the timbers of the rooms be ventilated and the air allowed to play under the house, I think that nearly every hygienic condition of foundation and enclosure of the house will then have been complied with. The walls, having their component parts built of proper materials, as first mentioned, should as far as fire is concerned represent what they profess to be; that is, they should be homogeneous in their nature; if of stone, built of stone, and if of brick, of brick, for, as Captain Shaw justly remarks, "if uniformly constructed, they will stand; but if built of two materials, they will fail;" and this means not only destruction of property, but likewise of life. The walls should be covered at their termination with a material impervious to wet, as damp should not be allowed to penetrate through or be absorbed any more than it should be permitted to rise. No provisions as regards the penetration of damp are to be found in either Building Act.

There is a defect, I think, of importance in the present Act as regards thickness of certain walls of buildings of the dwelling-house class, which allows of the upper storey being erected of brickwork nine inches thick. In this variable climate it is impossible to keep out humidity and cold with such a thickness, more particularly with the absorbent nature of the materials which we have at command, and the upper storeys of a house are specially those most subject to the driving rains, mostly inhabited by children and those least able to sustain the ill effects which are certain to be produced. Walls should not therefore be permitted to be built of a less thickness than fourteen inches.

Under the second head of *Sanitary Construction* the internal sewerage of a house is the first consideration. Assuming, as I have before mentioned, that all the sewage and sanitary arrangements exterior to the house are perfect, I would rectify the defects of the present Act, which omits all question of drainage by incorporating the sanitary clauses of the 18 and 19 Vict. cap. 120, with the Building Act. In the former Act the drainage of the house was fairly provided for. Mr. Baldwin Latham, in his recent most instructive, lucid, and admirable work on Sanitary Engineering, lays it down: "That the work of house-drainage is the crowning point of a system of sewers. Upon the care and skill bestowed in carry-out this portion of the sanitary requirements of a district in a

great measure will depend the ultimate success of the works in a sanitary point of view," and he justly calls attention to the fact that if the house-drains are badly constructed and arranged the inmates thereof will be at once exposed to any malarious influences which may exist in the sewers, the same being thereby as it were at once impinged on them. Care and judgment, the result of experience, must therefore be specially exercised, and the Act should provide that within a certain limited period a plan should be laid before the district surveyor, who should then consult the local sanitary authorities and approve the same. Care should be taken to demand proper falls, efficient ventilation, careful trapping, air and water tight joints. The closet apparatuses, sinks, and water supply should be under supervision, and each house, according to its purposes and number of inmates, should be provided with a certain number of conveniences and with a certain cisternage, all to be defined. It should be compulsory to carry all soil-pipes up to roofs, discharging away from windows and chimney stacks, not to permit rain-water to become ventilating pipes, and that each waste-pipe from sinks should turn out into areas with open ends, so as to admit of readily being cleaned out. No works should be permitted to proceed unless a perfect system of drainage was arranged; for it is clear that if the object of external sewerage is to carry away from the house and its occupants all matters of a deleterious nature, it will be of no avail if the drains leading into the public conduit are to become merely cesses of impurities, feeding the sewers with poisonous gases, blocking up their further passage, and generating those diseases which it is the object of drainage to prevent, thus injuring the inmates, and at the time creating a focus for the spread of epidemic or endemic illness. Be it remembered that disease is as insidious as fire—once commenced it is difficult to say when or where it will end or what permanent injury it may effect. The Act should be a preventive of both.

Next to sewage comes *Ventilation.*—Again, assuming that all sanitary precautions have been complied with externally to the house—such as width of street and height of house being proportional—line of frontage defined—streets being open from end to end—alleys and *culs-de-sac* being abolished—as I hope they will be—the following provisions should be enacted as regards the house itself: The verbiage of the 29th section of the present Act should be altered and enlarged, for as it now stands it is productive of positive ill instead of positive good, as it should be. The enactment is—that every building used or intended to be used as a dwelling-house, unless all the

rooms can be lighted from a street or alley adjoining, shall have in the rear or on the side thereof an open space exclusively belonging thereto to the extent of 100 square feet. Let us try it by an example. Suppose a house to have twenty feet frontage by fifty feet in height, and its back elevation opposite to a factory or other high building seventy feet high. If, then, say the area were made five feet wide, it would comply with the Act; and if there were fifty of such houses in a row, what would be the result? That there would be created long, dark, noisome, and dank channels for the reception and stagnation of impure atmosphere, ventilation, the object of the clause, being thoroughly and effectually impeded, if not prevented. Yet this is no uncommon condition of houses, and is well known to all who have experience on the subject. It should be enacted that to every house *exclusively* there should be a back yard or area of a minimum depth of ten feet by the whole width of the house, and that no party fence wall should be erected more than seven feet high. By such a clause, back-to-back houses would be at once swept away, thorough ventilation would be procured, because passages would be constructed through the houses from back to front, and windows likewise. Sun, light, and air, those best and perfect prophylactic agents, which seldom penetrate the foulness and darkness of a London dwelling, would permeate throughout not only the house but also the neighbourhood, carrying with them health to the debilitated frame, strength to the weak, and doing much to solve the important problem of how best to improve the habits and homes of the poor and middle classes. But not only in a sanitary view, as promoting the hygiene of a locality, would this be advantageous, but as a fire-preventing medium, affording *access to* and *escape from* dwelling-houses, is this provision essential. Captain Shaw states in his work on Fire Surveys: "It is most strongly recommended that the best safeguards against fire are perfect ventilation and scrupulous cleanliness." Again, clause 23, as to habitable rooms in basements and attics, should be cleared from all ambiguity and should be amended. *All* rooms or dwelling-houses should be considered under the Act *as habitable;* nothing should be left to chance, and the height required should not be less than eight feet. The window of the basement rooms should be at least two feet above the level of the street—a confined area is worse than none at all—and the house would only require an additional step or two for approach to front door. The window opening should bear a definite proportion to the superficial area of the room, for it is evident that, as now provided, if the room were deep in proportion to its width

it would be but badly lighted and ventilated. All underground rooms should be made of a required area, which should be the maximum permitted. There should be a clause insisting upon a fireplace opening being built to every room in a house, for although this is a very imperfect system of ventilation it is better than not having any at all. There should be an enactment to prevent over-crowding in houses similar to that in the Nuisances Removal Act, and the number of inmates permitted to dwell in the rooms therein should be proportioned according to certain well-defined cubical areas to each inmate. There should be a clause or clauses incorporating the principle enunciated in the Artizans and Labourers' Dwellings Act: that where a house is in a state dangerous to health, so as to be unfit for human habitation, it should be altered, improved, or demolished, and all red-tapeism should be avoided, so that instead of the interposition of obstacles, as at present, facilities may be afforded to practically carry out the essential works contemplated. The 80th section of the Act could follow these clauses, so that no injustice and but little inconvenience would result to the inmates.

Light and ventilation cannot be too well considered and provided for. Upon its development depends not alone the moral condition, but likewise the physical progress of the people, whether as a race they shall improve or degenerate. In the medical evidence taken before a Committee of the House of Commons, as far back as 1840, it was stated that scrofulous diseases were the result of bad ventilation. Dr. Arnott said "that an individual the offspring of persons successively living in bad air will have a constitution decidedly different from a man who has inhaled pure air, and that the race would to a certain extent continue to degenerate." Again, if the germ theory of disease contain any nucleus of truth, then it is surely essentially necessary that the atmosphere should remain unpolluted, and that every precaution should be taken to prevent its being contaminated; if, however, in the natural or rather unnatural course of things, it becomes so, it must be removed away at once, and its best scavenger will be ventilation. The Sanitary Commission say there is a close connection between physical and moral pollution. The Registrar-General's return shows "the Black Country" to present the "blackest calendars of our assizes," and this practically illustrates the effect of filth and sunless atmosphere in the minds and weal of the bodies of the sufferers—but no argument is necessary to prove this to the members of the Association.

The subject of the *ingress and egress to buildings* requires

attention. The only provision in the present Act is sect. 22, which is simply intended to afford facilities for escape in the event of fire, and stipulates that the corridors and staircases shall be of stone or other fire-proof material. Now, it has long been known that stone is not a fire-resisting material, and that the consequence of carrying this clause into effect is to introduce an element of danger, which by the ordinary means of construction would probably be avoided. Flame as a rule generally finds its way and is fed by the air of the well-hole of a staircase, the landings of which are in immediate proximity with the rooms surrounding or abutting on it. If, then, the materials of landings and stairs are not in a measure fire-proof, one of the best and most natural means of escape is cut off, and the unfortunate inmates once on them can neither advance or recede, the enemy being before and behind. Mr. Eddis, in a paper, "Notes on recent fire in Paris," states: "The utter uselessness of stone to resist fire is no new story; but those who were at all credulous as to the reason or truth of this will be convinced by the entire failures throughout the so-called fire-proof constructions. In all the fires of Paris externally the beautiful limestone was everywhere calcined and destroyed, and the heat so shattered the freestone walls as to render them constructionally unsafe." Speaking of the stone staircases, he says: "The fire soon cracked and destroyed them, broke them off short of the walls, and left nothing but the iron supports standing. As far as I could see," he writes, "there was not a single instance of stone staircases or landings left standing, and in all cases they failed at the onset." You will remember Chicago and Boston were likewise built of stone, and likewise destroyed by fire. Captain Braidwood long ago gave similar testimony, and Captain Shaw fully corroborates it. He thus emphatically states his opinion: "It is not too much to say that any enactment which contains such an expression as 'stone or other fire-proof material,' proceeds on an assumption involving a serious error, inasmuch as stone is in no possible sense fire-proof, but on the contrary yields to the effects of fire more rapidily than almost any other material commonly used for building." Yet we are still exposed to the dangers consequent upon the compulsory nature of the clause now in force!! Further, there exists no provision for enforcing the number and areas of outlets from public buildings. Some of the arrangements connected with most of our modern theatres and public places of entertainment, and many of our churches and chapels, are simply terrible to contemplate. The consequence of an alarm panic or fire would involve a fearful loss of

life, for which the Legislature would be primarily responsible. Corridors and exits, besides rendering a building partially safe from fire for its occupants and frequenters, form admirable means for renewing the air of the structure, and may be rendered pleasing, architectural, and useful sanitary accessories. It should be compulsory to construct the same in accordance with well-defined principles, and of certain areas, made proportionate to the dimensions and exigencies of the special class of building to which they may be attached. All corridors, stairs, and approaches should have fire-mains and water constantly on, and where doors are erected they should invariably be made to open outwards. There should be a summary of the clauses of the Act drawn in a concise and clear form and attached thereto, so that reference to a tabulated index would immediately afford every information, such as the section or clause, the mode of applying it—stage of procedure—steps to be adopted and by whom, form of notices, &c., &c.

I have now touched upon the most salient points and defects of the Act, passing advisedly by the minutiæ and detail, which should, however, be carefully thought out, but which want of time precludes me from referring to. I think I have fairly made out a case which demands earnest consideration; and, in face of the facts to which I called your attention at the commencement of my observations, I can conceive no time riper than the present for beneficial action to be taken. The necessity for a revised Metropolitan Building Act is recognised by all having a practical experience on the subject, and by none more so than by the members of this Social Science Association; and if you will only unite to bring energetic influence to work, I am sure *some* if not great results may be obtained—and an Act may be secured which will be a boon to the metropolis, and may serve as a guide and model for the whole country.

I would, in conclusion, offer a grateful tribute to the members of the medical profession, whose patient research and wisdom have afforded so many useful lessons to the members of my own—a body of men only eager to put in practice the theories enunciated; unfortunately, few have less opportunities for successful experiment, as everyone who has practical experience with the subject must grant. It is not too much to assert that out of every hundred houses built in the metropolis and suburbs scarcely one has the benefit or the supervision of the architect. Ignorance, apathy, indifference, and lastly, expense, are the great enemies which have to be contended with. In judging of our efforts the medical profession and officers of health often do us scant justice; and differing

greatly amongst themselves with regard to causes and effects, the one point upon which they invariably agree seems to be in complaining of us, when they really should blame themselves, for one cannot help expressing surprise that with the knowledge they claim to possess they should not have ere this instructed us—such willing pupils—how to *prevent* those evils which they have hitherto devoted their skill to cure. It must be confessed, however, that but very little attention has been paid by the public to the numerous medical forewarnings which it has received, and that in the past, as in the present, "coming events have always cast broad shadows before them."

Let us hope that the united endeavours of sanitarians of all classes will be beneficially exercised so as to educate the masses in the elements of sanitary science, to overcome prejudice, to subdue ignorance, and by conciliation, if possible—or by compulsion, if requisite—enforce the necessity of every man taking due care of his own health and that of his fellows; and as every individual is supposed to know the laws of his country, none should be permitted to plead ignorance thereof, but all should be emphatically taught

> "That evil is wrought by want of Thought
> As much as want of Heart."

Mr. R. R. ARNTZ read a paper on the question, the recommendations of which were as follow:—Buildings should not be permitted to be erected upon sites known to be unhealthy, unless and until the cause of unhealthiness be effectually removed. All *culs-de-sac* and all narrow ways should, in the course of time, be abolished. The distinction between courts or flagged ways and streets should also be abolished. Every new street (and streets alone should be permitted to be formed) should have a public way of a minimum width of 40 feet, and every building erected, or in great part re-erected, upon an old way of a less width than 40 feet, should be set back to a distance of 20 feet from the centre line of such old way, and the whole of such width of 20 feet should become part of the public way or street. Buildings should not be permitted to be erected or re-erected of greater heights than the widths of the streets upon which they abut, and every building should have in its rear a clear width of at least 10 feet of open space, such open space to be strictly preserved from the level of the basement or other lowest floor upwards. All foundations should be or be made solid and proper, and have proper provisions against damp

and other injurious effects. There should be a proper and intelligent control over materials and construction, with a view to ensure stability and the prevention of damage by fire, as well as proper sanitary precautions. Every building should be so planned and arranged as to be properly and effectually ventilated from and by sufficient open spaces externally, and by through communications and other contrivances internally. All drains should be of proper materials, and be properly laid, and should be so constructed and furnished with ventilating pipes and ventilating traps, as that it should not be possible for foul air to stagnate in the drains, or to enter any building. Soil-pipes should be trapped at the foot, and effectually ventilated at the top. Waste-pipes should not be permitted to communicate with the drains. Every building should have a sufficient supply of pure water, and it should not be possible to draw water for general household purposes from any cistern or other receptacle supplying a water-closet. The Act should be clear and strict as to principles, but details should, as far as practicable, be left to individual judgment, guided and controlled by firm and conscientious but highly intelligent public officers.

DISCUSSION.

Mr. E. Boardman (Norwich) was glad Mr. Collins insisted upon nothing less than 14-inch walls. It was difficult to carry out proper supervision of drainage in small places. Inspectors were needed on the ground continually. As to ventilation, people required the largest accommodation at the smallest possible expense, and it was quite disheartening to have to leave out important matters. He believed Captain Shaw had said wood was better than stone for resisting fire.

Mr. J. P. Towle (Oxford) suggested the passing of a law to prevent the erection of underground sculleries and underground cesspools. The restriction against doing that in the Metropolis Local Management Act is not carried out. No sewer should be lower than the general surface, and all sewers could be flushed out by a rush of water from a dam periodically.

Mr. P. H. Holland (London) said there were so many things in the paper which must be accepted as matters of fact that it was difficult to discuss them. The paper went too much into detail; a Building Act ought to prescribe as little as possible, and should be elastic. No habitation unfit to live in ought to be let. If a standard were laid down now it must necessarily be a low one. There would be so much resistance to the execution of the law that it would be rendered useless to a large class of dwellings. Supposing a law were passed, as in Man-

chester and Liverpool, forbidding underground dwellings; it would be found impracticable to put it into practice at once, but exercised slowly it would have beneficial results. Who was to say a house was unfit for habitation? They must first put down the worst class of houses, then the next worse, and so on. A Building Act for the whole country should not be like the Building Act for London. He alluded to the great danger there was in London from fire and falling buildings, and said the law gave a false protection by inducing people to depend upon the surveyors. The internal walls were lath and plaster divisions, and if a fire occurred it passed through the house in a few minutes. Such building was sanctioned by the Act. The inhabitants were heavily taxed to pay inspectors' and surveyors' fees to attend to the work properly. He would rather be surrounded with gunpowder than cesspools. Few architects could make a chimney that would not smoke; he only knew one—Mr. Trunison Moore. As to bedrooms, it was quite an exception to find one fit to sleep in. Architects should be educated, and proved by examination to be competent to build houses fit for habitation, and should, in fact, be compelled to learn their business.

A Member condemned the practice of building high dead walls in towns, which impeded the free circulation of air, and mentioned the case of a park at Leeds which had been walled in, thereby diminishing its value by one-half. Dead walls should be under the control of the local authorities.

Dr. F. T. Bond (Gloucester) was somewhat disappointed with the paper and the discussion, which seemed to have turned entirely to the requirements of urban populations. People in the country were worse off than in the towns, having no Acts to enable them to deal with new houses. It was impossible for a rural sanitary authority to deal with them as a nuisance. Until some general Act was passed nothing could be done. Although stringent enactments should not be made for dealing with rural habitations, yet certain broad principles might be laid down by the Legislature to enable every sanitary authority to prevent the erection of houses which did not contain essential things. In rural places every house should be required to be provided with a water supply within reasonable distance, if not upon the premises; with proper means for dealing with excremental matter, and for carrying off the water from the roof; and the authorities should be able to make by-laws for further extending their jurisdiction.

Mr. Thomas Waller (London) suggested there being a cold-air and hot-air shaft built side by side up the staircase from the basement to the roof, to supply hot or cold air to any floor that wanted it. That could not be done after the house was built.

Dr. Peter Eade (Norwich) would put a question to the architects as to the necessity there was for arranging and ventilating the sewage matter of houses in reference to the district in which they were placed. Some houses were placed on the slope of a hill and others on the top, and it was an undoubted fact, proved by his own experience, that fever was much more apt to attack the inmates of houses on a rising ground than those living in the lower portions of a town, the reason

being obvious,—that where the ventilation arrangements of the houses on the higher ground were imperfect, the sewer gas, rising to the highest point, forced its way into the houses and caused fever. The practice of making openings in the streets for the sewers was very like the old plan of having open street-drains. It was highly desirable to get as much direct sunlight as possible into houses, and builders should take care of that. Basement dwellings were highly objectionable on that account. The sun's rays were essential to health. The same remark applied to factories. Many people, such as milliners, suffered not merely for want of air, but want of sunlight.

Dr. CHARLES SHRIMPTON (London) entirely agreed with Dr. Eade. He thought it was also absolutely necessary that houses should be inspected by the authorities, before being allowed to be occupied, to see that all was in order, and afterwards to see that ventilation and sanitary arrangements were kept up. Some people, in their ignorance, would stop up the windows when they wanted warmth.

A MEMBER said that in the West End of London there were some houses in which there was no connection at all between the sewer and the drains, the reason being that a small payment had to be made when a communication was effected, to repay the local board for breaking open the sewer. The payment was shirked, and the consequence was the basement of the houses was one pool of filth. It was undoubtedly desirable to have open areas behind houses, but it was found that upon some of those areas slaughter-houses had been erected, and the only means of ventilating the houses was through the slaughter-houses.

Dr. J. B. PITT (Norwich) knew several cottages without any fireplaces at all in the bedrooms, and on inquiry of the sanitary authorities he found they could do nothing until actual evil resulted, when they could condemn them as a nuisance.

Mr. COLLINS (London), in replying, defended the architects against the charges brought against them, and stated that out of every hundred houses erected, scarcely one had the supervision of an architect. Future legislation ought to make his intervention imperative, and appoint proper officers to see that the work was efficiently performed. He wanted the influence of the National Association for the Promotion of Social Science brought to bear upon the matter, so that they might next year at latest secure the passing of a new Building Act. Architects were obliged to comply with the wishes of the person who found the money to build the house, both as to site and many other matters, and were not free to act as they would like. The remedy was diffusion of sanitary knowledge. A great many crimes had been laid at the door of the district surveyor, but a district surveyor had very little power in London, and when he tried to enforce the law the conflicting decisions of different magistrates in identical cases were disheartening to him. As to drains, many of them were laid at wrong inclinations, and were ill-ventilated. Every drain-pipe should be taken up to the top of the house; then it did not become a dangerous open sewer. It would allow the impure air to ascend and the pure air to pass down; and if there were houses higher than those, then the impure air would have

become diluted, and the evil would be slight. Let the Association lend them their influence to obtain the passing of the Act required.

The PRESIDENT said they were extremely obliged to Mr. Collins for his paper. They were all agreed that a Building Act was wanted for the whole country. It could only do certain things, by providing that houses should be built in a certain manner. It could not ensure their being kept healthy, for they could not have a sanitary police; much must depend upon the sanitary knowledge of the people.

How some People have Lived, and not Died, in India. By FLORENCE NIGHTINGALE.

ON a former occasion I ventured imperfectly—for India is immense, while a paper is small—to bring before the Association how people have died, and not lived, in India; how people may live, and not die, in India. I used some of that great body of information brought together by the "Royal Commission on the Sanitary State of the Indian Army," which was at work during four years, 1859-1863, and was presided over, first by Sidney Herbert—whose statue still stands before the War Office as a witness in favour of progress—then by Lord Stanley, now Lord Derby. Ten years have elapsed, during which most of the sanitary proceedings which have been initiated, and their results, have passed (on paper) through our hands. And we may now reckon up our gains.

2. I must begin by guarding myself and others. We *have* made an impression on the sanitary state of that vast country; but "impression," so far as this: only to show us the immense work that remains to be done; the immense success that *can* attend it—we cannot yet say the immense work that has been done. But how much this is; what progress since the time we were taught to lament the "hopeless Indian climate"! The caution is this: as in all epidemic countries, more than in most—the death-rates of the Indian Army had shown two characteristics: they fell and they varied according to the nature of the season and the prevailing "epidemic state."

(1.) E. g., in past, and, alas! in present years, we can say approximately what districts will be visited by fever or by cholera in "epidemic" times: "if the drainage and water supply, and neighbouring ground are left in *that* bad state"—when comes the "epidemic," those dwellings may expect it. If air, earth, and water continue to be fouled, if foul damp ground be not drained, if the public ways be not better kept—when comes the "fever," when comes the "cholera," those districts will have

it. But why does not cholera come every year to those dwellings? Their state is the same. And why is fever not always in those districts? We do not know. All we can say is, we know into what dwellings cholera and fever will *not* come, however "epidemic" the year: we can put towns and districts into such a state that the epidemic, like the mediæval witch, is exorcised, so that she cannot come near them. More than this we do not know.

(2.) In past years—not so long past—in a great town of England, 47 children out of every 100 used to die before they were five years old. But why those 47? We do know how this infant mortality, or rather massacre of the innocents, can be mitigated or prevented; namely, by cleanliness of house and child, by fresh air, care as to food and clothes, whitewashing, by "minding baby" in short, and by avoiding all "soothing syrups" whatever. But we do not know which babies will be taken and which not.

All this is pre-eminently true of India. From the great Sunderbunds, where cholera seems to have had its birthplace, and had not been born some centuries ago [great towns, shown in old Portuguese maps, now no longer to be found, seem to attest that the Sunderbunds were not then the home and hearth of epidemics], cholera sets forth on its terrible march over Asia, so reaching Europe; but why on one year and not on another we know not. If the Sunderbunds were drained, cultivated, and again rendered fit for human habitation, would cholera disappear?

3. Now, after this caution, to proceed: The results we find, in the last Report* of the "Sanitary Commissioner with the Government of India," and in other District Reports, have been so striking, that they may be fairly accepted as showing, not that India has become "healthy for ever" (the year 1871 was a non-epidemic year), but that we can grapple with—that we may one day finally subdue, if we will—spite of the bugbear "climate"—those local conditions which in former days decimated the strength of the army, and which, unless preventible and prevented, make up a terrible prospect—that only at such a price could India be held by a British force. And this when man's life was becoming every year more valuable.

In the first part of this century the death-rate among British troops serving in India had revolved round 69 per 1,000 per annum; that is, 69 men out of every 1,000 died on an average every year.

---

* Dr. Cuningham's Report, No. 8.

The "constantly sick" * in hospital amounted in old times to ten per cent. of the strength; that is, out of every 1,000 men 100 were always ill in bed. Steps had been taken before, steps were being taken during the inquiries in India of the Royal Commission, for removing some existing sanitary defects, with corresponding improvement of the health of troops. The report and evidence were printed with an abstract of evidence from the Stations by Parliament in August 1863. In December, Sir John Lawrence was sent out as Governor-General (Lord Elgin's death impending), and almost immediately on beginning his vice-reign he formed an organization for grappling with the evils, with this hundred-headed Hydra, in the localities themselves—in the home of the beast.

In this way of late years a vast amount of simple, inexpensive sanitary work has been done in respect of cleansing, draining, improving the water supply. In many of the cities and towns of the North-West Provinces this cleansing, the better making and keeping of public ways, the straightening and widening of streets, are now looked after. In the North-West Provinces and in Oudh the civil stations have been improving their drainage, and the whole subject is marching on. In the Central Provinces, we are told, improvements of various kinds are going on. In Berar the people are thinking about it—thinking how bad is their water-supply. One trusts that they will go farther—though thinking is a good thing—and not only think but act.

In the Punjaub a good deal, we are told, is being quietly done in the towns. In Bengal Proper, where most is wanted, least seems to be doing. Many stations all over India—*e.g.*, Barrackpoor, Umballa, Murree, Meean Meer—are supplying themselves with better water. Many have had their barracks improved or reconstructed—not before it was wanted—and sometimes, it must be admitted, not in the most economical way. Still the work has been done, and is being done, very zealously, as is shown by the reports of Sanitary Commissioners, which give as striking instances of results to health from sanitary improvements as could well be imagined, or as have been realised at home. And this has been done without burning down the city, which, it seems, was the only way of saving London from another great plague.

4. And first, as regards the death-rate of the army. For on this subject Dr. Cuningham gives some most important facts, especially as regards Bengal, formerly, as we know, the most

* On the authority of Mr. Annesley.

unhealthy province—if province it can be called—a country of nearly 69,000,000—the most densely populated in the world. From these facts we arrive at this result: namely, leaving out the loss from invaliding in the old Indian Army altogether, the total loss to the present Indian Army in 1871 by deaths *and discharges* was 34·7 per 1,000, or just one-half of the loss occasioned by the old death-rate alone. In other words, we lost, in 1871, 18 men only by death—in India and England both—out of every 1,000 of the British Indian army; and 16 more were discharged as unfit for further service; that is, there was a saving of 51 men in every 1,000 in 1871 (a healthy year), or 2,858 men in an army of 56,806 were the savings of that year: one year's results: as compared with the average losses of old. Let us remember, with the mercantile Briton's spirit, that every man costs with his arms 100*l.* a year. But what is the value of a man otherwise? To *us* these are not figures but men.

A few results for 1871, from different groups of formerly most unhealthy Bengal stations, tend to show that the improvement in health is going on; thus: In Bengal Proper the death-rate for the ten years preceding 1870, including a time of sanitary improvement, was 29½ per 1,000; and the daily sick nearly 7 per cent., or 70 per 1,000. In 1871 the death-rate was 18·72 per 1,000, and the daily sick-rate 5 per cent., or 50 per 1,000.

Let us here add, that in round numbers the whole Indian Army went once-and-a-half times into hospital, and about 5½ per cent. of the force was always in hospital, during the year 1871, instead of nearly double the number.

We all remember the frightful sickness and mortality of Fort William. Its sick-rate continues rather high, but its death-rate in 1871 was only 10 per 1,000, less than a tenth part of its former death-rate: and 2½ per 1,000 less than the death-rate of 1870.

In Oudh the death-rate from 1860 to 1869 was 28½ per 1,000. In 1871 it was under 23. The constantly sick had also fallen from 69 to 61 per 1,000. At Cawnpore much has been done to improve the site, and the station shows a death-rate of only 13; while Benares and Allahabad, in which less has been done, and Dinapore, in which we do not hear of much done, show quite double this rate of death.

Meerut and Rohilcund, in the ten years before 1870, were sick at the rate of 72 per 1,000, and sick unto death at the rate of 26½ per 1,000. In 1870 these fell to 69 and 18½ respectively; and in 1871 to 65 and 16½. But in this group Roorkee,

which has always distinguished itself, and Moradabad, died at the rate of only 8 and 5½.

In Agra and Central India, for the ten years before 1870, the sick-rate was 74, and the death-rate 38½ per 1,000. In 1870, though the sick-rate was 77, of these there died only 22 per 1,000; and in 1871 there were sick only 64, and there died under 18½ per 1,000.

In the Punjaub, there has been apparently some progress in improving the heavy sick-list. The ten-year period shows sick at the rate of 56, and dead at 25; but 1870 gives daily sick at 69, and deaths at under 24½ per 1,000; and 1871, sick at 54, and dead at little more than 18 per 1,000.

Now the Hill stations come in. During the ten years before 1870 the daily sick were 49, and the dead nearly 15 per 1,000. In 1870 the sick were 40, and the dead 11. In 1871, 48 and 9. But at one Hill station, Raneekhet, the death-rate was as high as 24; while at another, Chukrata, it was under 6½; and at Dugshai 5½. Now for the convalescent depôts: These gave a death-rate of nearly 31 per 1,000, during the ten-year period; for the men seem to have died rather than convalesced—whereas in 1870 it was little over 22½, and in 1871 under 13 per 1,000.

The Army Sanitary Commission concludes its notice of this part of Dr. Cuningham's statistics by "congratulation at the improvements already effected in the sanitary condition of stations and troops serving in the Bengal Presidency;" especially, it says, when the former history of the old Bengal European Army is considered, with its annual death-rate "of from 70 to 80 per 1,000;" and "its annual losses from other casualties of between 80 and 90 per 1,000." But it warns us not to delay measures for making the statistics of 1871—"an avowedly healthy year"—the real representative statistics of every year in India. For it must not be assumed that the work of improvement is done. Far from it. The general result only indicates progress towards realization: not realization. As yet *what is* BEING *done* is all we have to show. The Royal Commission pointed out that the death-rate, when we have *prevented preventable* diseases, ought not to be more than ten in the thousand.

The importance of the present results consists in showing that India is not necessarily fatal to European lives, and that the Government of India, the India Office at home, and the British public, have not only a common interest in the results already attained, but that they have a right to expect, and do expect, that their officers' hands shall not be stayed in

this good work; that they shall be assisted in every possible way. Expense has been incurred—somewhat more perhaps in certain directions than was necessary. But has there been no gain? It has been shown that we are in the way of regaining every year a large part of the outlay.

5. Had time permitted, some account should have been given of the success of sanitary work in India in cities, and even in country districts. But we must be content with a few illustrations.

Ten years ago I reported to the Royal Commission that no one of those three large and populous cities—seats of Presidencies—Calcutta, Bombay, Madras—had as yet arrived at the degree of civilisation in their sanitary arrangements at which the worst parts of our worst towns had arrived before sanitary reform sprang up in England at all. Yet all the fault of the inevitable results was laid to the "climate." Bombay, the second city of our Empire, had, it is true, a better water-supply, but no drainage. Calcutta was being drained, but had no water-supply. Two of the seats of Government had thus each one-half of a sanitary improvement, which halves ought never to be separated. Madras had neither. This was ten years ago. Now (and I cannot but name the name of the Calcutta municipality engineer, Mr. Clark, with this great improvement—let us give him a cheer), Calcutta has its water-supply complete.

Caste prejudices have been alleged as insuperable stumbling-blocks in the way to sanitary improvement, but a curious and cheerful instance of caste prejudice being overcome is this: when the water-supply was first introduced into Calcutta, the high-caste Hindoos still desired their water-carriers to bring them the sacred water from the river; but these functionaries, finding it much easier to take the water from the new taps, just rubbed in a little (vulgar, not sacred) mud, and presented it as Ganges water. When at last the healthy fraud was discovered, public opinion, founded on experience, had already gone too far to return to dirty water. Besides its water-supply the drainage of Calcutta bids fair to be a wonder of the world; when we remember what has been loudly said, even in this our day, that Calcutta at least was hopeless, because it lies close to the level of the river; and its public health has equally defied the prophets of irremediable evil, and will yet improve still further its powers of defiance, while the active—not prophets of evil, but performers of good—Mr. Clark, and the Lieut.-Governor of Bengal, and other such authorities live.

Now for Bombay—Bombay, hitherto the pioneer: Bombay the active, not to say restless, the energetic Bombay. Bombay has for years done everything to drain itself, except doing it: it has had the best engineer, Major H. Tulloch, to look at it, to plan for it; it has had surveys, plans, reports, paper, and print enough to drain all India—writing and talking enough for a thousand years. The only thing it has *not* done is *to do it.* In the meantime it has had to thank its able Dr. Hewlett, the most vigorous of health officers—now alas! no longer at that post—for having, at a quite incredible cost of time and energy, and by a most expensive system of hand-labour, saved them from cholera epidemics, and done that for them which should have been better and more cheaply done by the civilised hand of engineering and machinery. As for the water-supply, much the same may be said. The increased water-supply needed by the city is still on paper, some small portion only having been obtained.

And what has Madras done—Madras, which had neither—neither water-supply nor drainage? Madras has obtained a water-supply, and has just improved it, and is applying part of her sewage to agriculture with success. In other respects she appears to be pretty much as she was, with her filthy Coum estuary, and her foul, undrained area. She has recently had the census taken, with the advantage of discovering that Madras is a very unhealthy city.

6. These illustrations would be incomplete if taken only from the large cities. Here, however, are a few experimental results described by the Sanitary Commissioner for Madras in his report on cholera of 1870. Cuddalore town had forty-two deaths from cholera out of a population of 28,421. Cuddalore jail with 301 prisoners escaped. The jail had those two indispensable requisites—good water and perfect cleanliness—which were absent in the town. Madura town contains 39,872 people, of whom 376 died of cholera, which, on arriving there, found bad conservancy, foul privy arrangements, foul subsoil, contaminated water. There are two jails at Madura, one old, the other new. The old jail had bad water and other insanitary conditions, and lost four out of fifty prisoners by cholera. The new jail contained 180 prisoners; these were the only persons not exposed to sanitary defects, and they all escaped cholera.

Rajahmundry town, where the population live under the usual Indian insanitary conditions, lost 147 people from cholera out of a population of 17,498. The district jail, situated within the town, and under similar conditions, lost 16 prisoners out of

89 by cholera. The new central jail, where the sanitary conditions were good, had not a single case of cholera among 845 prisoners, although the disease prevailed "violently in all the country round."

Vellore town lost 67 people out of 30,529 from cholera. It has two jails, one old, the other new. The sanitary condition of the old jail was rigidly attended to, and there was no cholera among its 152 prisoners. The new jail had 576 prisoners but no cholera. It occupies a healthy site and its sanitary arrangements were good.

More sanitary experiments of this kind could be cited, but here is one of special interest regarding villages:—

Mr. Kearns, a Church Missionary in Southern India, states that on his arrival at Puthian Puttur, in 1856, few villages had suffered more from cholera and fever. The place was wretched and foul, and had bad water. To remedy this state of things, wells were dug and properly protected; surface drainage was improved, rigid cleanliness enforced, trees planted, and other improvements introduced. Similar improvements were carried out in other villages, and they escaped cholera. It is worthy of remark that the facts were brought out, in reply to a statement made by the Madras Government, that this village was exempt from cholera, "cause unknown." Mr. Kearns replied to this by showing that he was perfectly well aware of the "cause." Quite recently, improvements of a similar kind, including reconstruction of houses, in the foulest and most unwholesome parts of the city of Madras, have been attended not only by an enormous diminution in the district death-rate, but the people have improved in civilization as well as in health.

7. But one more word about country districts. And let us remember that Bengal is the most thickly populated country in the world—a country of villages. Till country drainage is introduced, till agriculture is improved, till irrigation and drainage are combined—both better when together, the first dangerous when apart—no great improvement in health, civilisation, or vigour of the people can be expected. The "drain" in another sense, the drain upon human life and happiness, of *fever* in India is literally untold. But as far as *can* be told—in 1871, a peculiarly healthy year, about one-and-a-half millions of people died in India from fever, or nearly 12 in every 1,000, or 23 times as many as cholera destroyed. But this is a mere trifle compared with the ravage fever commits in sapping the strength and vigour of the country, in making the young old, the healthy infirm for life, the industrious helpless invalids, the rich poor, the thriving country a

waste. The deaths must first be multiplied by 50 or 60 to give us the attacks. Then, a man who has once had a bad attack of malaria has it for life; and almost all this fever is malarial. Cholera destroys life, but does no more. Fever destroys the life of the country; saps the world in which it is. Look at the Burdwan fever; look at the Dengue fever. "Dengue" is rarely fatal, but in its districts "Dengue" is master, and 60 or 70 out of every 100 are "down" with it!

Irrigation is essential in many parts of India, but irrigation with stagnant water is almost as injurious to crops as to health. Irrigation should be accompanied by improving the natural drainages of the country, so as to keep the water moving, however slowly. Let me tell a curious history told me by one of the members of the first Bengal Sanitary Commission. In 1857 nine miles of country, with twenty-five villages, were laid waste by fever; death came sometimes in three hours; of 600 in a village only a few in the centre houses lived. All the others died or fled. All the other houses were unroofed and tenantless. In the other villages nothing was left but pariah dogs. The crops were uncut. The dead lay about in the hollows, unburied and unburnt, for there was nobody left to bury them. Where the people did live they degenerated mentally and physically. The cause of all this was a screw turned by a coolie, which flooded the low lands from the Ganges canal faster than the water could be carried off. The man at the screw (at four rupees a month) ruled the destinies of a large population, not only as to health and life, but as to soul and mind, according as the screw turned to the right or to the left. This, the cause, was found out—only a few months before my informant gave me the account, through an inquiry made by Sir John Lawrence. And all the time the people were going on degenerating, except those who were dead. This melancholy history is given here (merely as an illustration; did time permit hundreds such might be told), not for our discouragement, but for our encouragement; not because it is so hopeless, but because it is so hopeful. If the screw turned too much brings fever, the screw turned just right brings plenty and health.

Let the people only see how much they can do for themselves in improving their surface drainage, in keeping their water-supply free from pollution, in cleansing inside and out. Let the Government see how much they can do for the people in introducing and stimulating better agriculture; irrigation, combined with drainage works in water-logged districts; for

the two must never be separated there. There is no country in the world for which so much might be done as for India. There is not a country in the world for which there is so much hope. Only let us do it.

8. Unfortunately there is one disease-cause in the British army quite beyond the influence of engineering works, for every man is his own disease-cause, and must be his own remedy. And this is drink. The quart of porter and quarter of a pint of spirit per day are still procurable at the canteen, and as much more as the men like (and as will destroy them) at the bazaar—and will always send to the graveyard and invaliding depôt a large number of men every year, until they are made to understand their own interest, and are furnished with employment.

9. I might have ended here by repeating the caution with which I began: not to stay our hand, because the year 1871 gave a death-rate of only 18 per 1,000; but the experience of 1872, just coming in, justifies, alas, but too well all the caution that can be used. The disease death-rate of 1872, minus the superadded epidemic death-rate, was as low as that of 1871. But cholera intervened and raised the death-rate materially in Bengal, though very little in Bombay and Madras. This is no reason for discouragement, but the reverse. It is not a defeat, but an attempt of the enemy to turn our flank. We know enough of his strength and his arms to turn the check into a victory, if we are only wise. But is not the following an example of action quite other than wise?

The report by the "Sanitary Commissioner with the Government of India" on this same cholera of 1872 tells us that people have been trusting much to quarantine for safety, and that quarantine has been fully tried, with results such as the following: "In a question so intimately connected with the happiness of the human race it cannot be too widely known that quarantine was tried in the hope of protecting a number of the cantonments of Upper India; that in many of them it signally failed, and that in no single instance is there the smallest reason to believe that it was productive of any good. The direct evils of quarantine are great enough, but . . . by no means the least indirect evil is this, that so long as men believe that they can escape from cholera by such means, they will never be fully alive to the importance of the greatest safeguard, sanitary improvements." Forced removals of sick, especially of women, for quarantine purposes, and other restrictions "set the people against everything that is done

under the plea of the public health," and the sanitary reformer is regarded "as the greatest destroyer of their domestic comfort and happiness." As a consequence cholera cases were concealed. The troops also had to bear their share of this mediæval infliction. The evils are described as "very great." "The troops are exposed to form cordons at the very time that exposure, and especially exposure to the night-air, is calculated to prove most mischievous." Two stations, Meean Meer and Umballa, appear to have suffered from this. Both supplied complete cordons, and both suffered severely from cholera. No better *reductio ad absurdum* of the whole practice could be given than the fact that the fear of spreading cholera interfered with the more decisive moves of troops which were their best chance of safety from cholera. And then, to crown the whole, there does not appear to have been a single instance in which quarantine could be rigidly enforced. The Government of the Punjaub has taken the common-sense course of prohibiting quarantine except by special orders; and in the case of organised bands of pilgrims. Sanitary reformers, like other reformers, have more to fear from their friends than their enemies—

> Da chi non mi fido, mi guarderò io,
> Da chi mi fido, mi guardi Iddio.

But we must stop; only, however, to bear emphatic witness how great are the sanitary deeds already achieved, or in the course of being achieved, by the gallant Anglo-Indian, as formerly we bore emphatic witness against the then existing neglects. Let but the Government of India continue to sustain the energetic efforts of their officers, and at the same time insist on the municipalities and local authorities prosecuting the good work. This was of importance for the Central Government to do ten years ago, seeing that there was no local self-government at all; it is, if possible, of still more importance now, when there *is* some local self-government; but it wants guidance, which does not mean that the Governor is to do municipality himself, even though a very good municipality he would make. The natives are always ready to be taxed, as far as obtaining, at least, a purer and more plentiful water-supply goes. There is never any "discontent" about this. What they do not like is paying the tax and receiving no water; and in this they are not so far wrong.

The Lieut.-Governor of Bengal has invited, by proclamation, the payers of some of *his* rates [this as regards roads]

to claim the benefits (or their share of them) of what they pay for.*

Thus will it be rendered not only an easy matter to hold the great Indian Empire by a British force, but benefits untold will be conferred on the vast populations of our fellow subjects of whom we have undertaken the charge.

On Overcrowding in Rural Districts and its Remedy. By Francis T. Bond, M.D., B.A., Lond., Medical Officer of Health, Gloucester Union of Sanitary Authorities.

THE work of improving the sanitary condition of our rural population will be admitted to be full of difficulties by those who have had any practical experience of it; but of all the difficulties with which the sanitary reformer has to contend in rural districts, the greatest is that arising from dilapidated and overcrowded dwellings, because it is the one which is at the same time the most pregnant with evil, both physical and moral, and for which legislation has as yet provided no efficient means of relief. I say no *efficient* means of relief, because the powers which are given to the medical officer of health for abating overcrowding as a nuisance are not only very difficult to bring into operation, but their active employment would absolutely increase the evil which they seek to cure. For overcrowding, as a rule, means high rent, and high rent is caused by a limited supply of houses; and even if it were practicable to get a man, who with his wife and six or seven children sleeps in one small ill-ventilated bedroom, turned by his landlord out of his house, as it generally is, it would only, in most cases, be to turn him into the streets, or to drive him into the workhouse, or to send him to augment the population in some other place where overcrowding already exists. Hence, the medical officer of health, who is invested by law with the responsibility of dealing with this form of nuisance, finds himself powerless to touch it, and sees all its evil results growing apace with impunity under his very eyes. That it is a great and a crying evil no one who knows anything of the homes of the agricultural poor can entertain a doubt. Of its moral results it is unnecessary to say anything further than

---

* "Every taxpayer is encouraged and invited to claim that the tax shall be fairly applied to the village roads or water channels in which he is interested. The Government will use every effort to see that such local claims are fairly met, and that every taxpayer derives a fair benefit from the tax which he pays."—*Proclamation of Bengal Government.* August 1873.

that when one sees the way in which families so frequently pig together—I can use no more expressive phrase—in many of our country villages, one is inclined to wonder, not that their morals should be corrupted by it and their sense of decency and self-respect deadened, but that either morals or a sense of decency should survive such an ordeal at all. That this is happily not the case, and that in many of these wretched hovels the most transparent makeshifts are frequently adopted as a tribute to propriety, indicates how deeply this instinct is implanted in our nature, and how difficult it is to thoroughly eradicate it. Nevertheless, the effects of this state of things are often so horrible and disgusting that they cannot even be alluded to in such a paper as this.

Nor need I say more, even with regard to the sanitary aspect of overcrowding, than that it is the fostering condition under which all infectious and zymotic diseases develope and thrive, as well as the favouring cause of no small number of other maladies which stealthily undermine the physical energies and health of the labouring classes.

Hand in hand with overcrowding goes another form of nuisance, which owes its origin to the same causes and is equally difficult to deal with, and that is dilapidation. The cottages which are overcrowded being the cheapest to be obtained, and therefore occupied by the poorest class of labourers, are generally old and more or less dilapidated, often to such an extent that they are quite unfit for human habitation. Here, too, the Sanitary Authority has power to compel the owner to put the premises in a state of habitable repair; but to do so would, in most cases, involve such an expenditure that he would generally prefer to close them or to pull them down altogether, and in many cases it would be impossible to make them properly habitable without rebuilding them. To exercise this power, therefore, would be simply to diminish the already too small number of available dwellings, and to increase still further the existing pressure on accommodation. I do not think that I am exaggerating when I say that at least 20 per cent. of the cottages of most of the villages with which I am acquainted are a disgrace to our civilisation, and are only fit to be pulled down altogether.

What then is the remedy for this evil? It would appear to be a very simple one, but it is a remedy which is more easily suggested than applied; it is, obviously, to build more houses. But the questions naturally follow: who is to build them? and, why are they not built now? Taking the last of these questions first, the reasons why the supply of houses for the

labouring classes in rural districts does not follow the demand are several. Sometimes it is because the landowners of the neighbourhood determinedly set their faces against anything of the kind; they will neither build houses themselves for their labourers nor grant land for others to do so. They have, or rather they consider that they have, no direct interest in providing an accessible supply of labour for the farms on their estates, and are only too well satisfied if they can obtain as much as they require by drawing on the resources of villages or towns in their neighbourhood, forgetting that if a man has to walk half-a-dozen miles or so to and from his work every day, the energy expended in so doing must be abstracted from the sum total of that which is available for his employer. Tenant farmers have no sufficient permanency of interest in the land which they cultivate to induce them to expend capital in building labourers' cottages. But, it may be said, if neither landlords nor farmers will build houses for the proper accommodation of those whose labour they employ, are there no others who can be induced to do so as a matter of ordinary speculation? To this I answer, no. In the first place, there is the difficulty, to which I have already referred, of obtaining land on which to build; and in the second, though this kind of property, so far as my own opportunities of observation go, would, even at the present price of labour and materials, pay a very fair rate of interest on money invested in it, the return which can be calculated on is not sufficient to tempt speculators or to draw capital from other and more promising investments. And even where houses of this class are built they are generally badly designed, of inferior materials, scamped as to workmanship, and destitute of conveniences which might be easily provided with a very moderate amount of care and cost. I am, of course, well aware that there are many estates on which the liberality and enlightenment of their owners have provided well-built and commodious cottages for the labourers employed by them, but these are so exceptional, in comparison with the great bulk of the rural population, that they scarcely affect in any sensible degree the general want which prevails. There are probably hundreds of villages, in which, on an average, scarcely one house per annum has been built for many years, though the population has been steadily increasing, and the existing houses have been as steadily becoming dilapidated and unfit for habitation. Hence, to vary somewhat the words of the poet, whilst rural wealth increases villages decay, and the "hastening ills" against which he warns follow on apace; agricultural and sanitary improvement are obstructed; the social, moral, and intellectual elevation of

the labouring class are rendered impossible; the labourer himself, instead of being attached to is alienated from his natural home and field of labour; agitation and ill-feeling are promoted; and the gap which separates the owners and cultivators of the soil is daily increased.

Moreover, the existing houses themselves have a constant tendency to fall into the hands of a class of persons who are the worst of all possible landlords, either for the tenant or the Sanitary Authority to have to deal with. Many of them are absentees, living at a distance, taking no interest of any kind in the welfare of their tenants, collecting their rents by the aid of agents with the most rigid punctuality, but refusing to spend a penny in providing for the proper requirements of their tenants. In many cases the tenure of the property, especially where it is held on lease for lives, is so precarious that the actual holder is scarcely justified, in a commercial point of view, in spending a shilling more on it than he can possibly help. In others the occupiers, or others who are equally poor with themselves, are the owners, and the property is mortgaged up to its full value. From all of these causes it results that whilst, as I have said, the houses of the agricultural poor are steadily depreciating in condition and diminishing in number, scarcely any are being built to supply their place; and unless something is done speedily to provide a remedy, not only will sanitary improvement be altogether arrested, but labour will become increasingly scarce, and the value of all agricultural products will be proportionately augmented. On all grounds, therefore, moral, sanitary, and economical, the question is deserving of serious attention. Is there, then, no remedy at all for this state of things? There is only one remedy that I can see, and that is to include houses in the list of permanent sanitary improvements, and to invest the Sanitary Authority with power to erect them, within certain limits, wherever it can be shown that the wants of the locality require them. Such a power is, I conceive, quite as essential as, and no more foreign to the work of a sanitary authority than that of constructing drains or building hospitals. Moreover, a landlord who can borrow money for building purposes, on the easy terms upon which Sanitary Authorities can obtain it for permanent improvements, can well afford to let houses at a rent which, while it would make the investment at least a safe one, would yet make the position of the tenant much easier than it could possibly be under any but a very wealthy or philanthropic owner. Five per cent. is, I believe, the minimum return which cottage property brings, as a rule, to those who hold it; good cottages would

certainly realise four per cent. to anyone who would build them. In fact, I have no doubt that any ordinary Rural Sanitary Authority, which should courageously carry out a policy of this kind, would so materially reduce its rates as to make them merely nominal. What I would suggest, then, would be an extension of the powers of Sanitary Authorities, so as to include the erection of houses below a certain value, say 10*l.* per annum, in the works for the permanent improvement of their districts which they may carry out. For this purpose they would require to be enabled to borrow money from the Government upon the same terms as they can now obtain it for other improvements.

The machinery for putting these powers in force would be similar to that by which other permanent improvements are carried out. Wherever, on the certificate of a medical officer of health, or by other means, it could be shown that the accommodation in any parish was not sufficient, either in character or amount, to meet its ordinary requirements, the Sanitary Authority should be empowered to apply to the Local Government Board for leave to build; the Local Government Board would then, as in other applications of the kind, send down an inspector to make special inquiry into the case; and if the investigation which he would make should confirm the report upon which the application was made, the Local Government Board should be empowered to sanction the loan. In this way the Sanitary Authority would in time become the landlord of a large proportion of the poorer class of houses, and would be able to enforce sanitary improvements in them in a way which is now very difficult if not impossible. Houses could be built upon a systematic plan, and with a regard to solidity and comfort which can scarcely be expected at present, unless in very exceptional instances. Irrespective of these advantages there would be others of a collateral kind. For instance, under such a system the aged and destitute poor could be relieved, either permanently or temporarily, as their circumstances might require, by having accommodation granted to them rent-free in such cottages; and the necessity for the large and overgrown poor-houses, which are now the opprobrium of the country, would be reduced to a minimum. I firmly believe that no single step which the Legislature could take would do so much to stem the tide of pauperism in rural districts, or to raise the character of the agricultural labourer, as the passing of an Act to extend the powers of Sanitary Authorities in this direction. The more I see of the wretched houses in which so many of the rural poor are compelled, from no fault of their

own, to live, the more I am convinced of the hopelessness of doing much to improve either their sanitary, social, or moral condition without first providing them with the possibility of living healthily and decently within their means, which it is impossible for the great bulk of them to do at present. Nor can I conceive any object to which the public funds could be more safely or more usefully devoted than to investing them in building good houses for the labouring classes in rural districts. The majority of the houses in which they live now are not only dear but bad, and the causes which produce this state of things are such as prevent its being effectually remedied, except by State interference. If the State is justified in advancing money as it does now for the construction of sewers, for the purpose of carrying off the waste accumulation from houses, from which no direct pecuniary return can be secured, *a fortiori* it is justified in advancing money to build the houses themselves, which would pay a fair return for their construction, and which are much more necessary than the sewers are.

Although the object of this paper has been to suggest a remedy for a want which is urgently felt in rural districts, and which cannot otherwise be relieved, I believe that similar powers might with great advantage be given to urban sanitary authorities. There are vast numbers of houses in all our large towns which are only fit to be pulled down. The Artisans' and Labourers' Dwellings Act gives an urban sanitary authority power to shut up such houses where they are uninhabitable, but it gives it no power to supply their place, and leaves that office to speculating builders, whose only object is to run up tenements of the most imperfect kind, from whose hands they generally pass into those of small capitalists, who make a usurious livelihood out of the rents which they compel the tenants to pay.

---

*Some Points to be observed in connection with Constant Water Supply.** By Baldwin Latham, C.E.

About fifty years have elapsed since the constant water supply system was first introduced into this country, and during that interval many towns have adopted the principle. But some of those that did adopt it, owing to their not fully comprehending the regulations necessary for the permanent administration of the constant supply system, have reverted to the old, and, should-be, with every sanitary reformer, exploded system of intermittent supply.

* See *Transactions*, 1870, p. 441.

It will be well to consider in this paper what is a constant supply, and what are its advantages, and in what way its permanency can be best sustained. By constant supply is meant a system by which the water supplied to a district is constantly circulating through the mains and services of the place, under sufficient pressure to ensure its discharge at any point, at any moment, throughout the whole of the district, as distinguished from a supply which is given intermittently through the mains and services into our houses, and is stored in cisterns or tanks, and so becomes, as has been over and over again argued, so far as each house is concerned, a constant supply.

In order to distinguish this latter species of constant supply from that which is here advocated, it will be well to term the one constant main supply as distinguished from constant service supply. It may, however, be said that no such distinction is necessary, for no supply can be considered constant which would not at all times supply the demands made for any particular service, say for the extinction of a fire. It needs no great amount of argument to prove, except in some rare cases, that water, as ordinarily stored in the cisterns of our houses, is seldom available for the extinction of fire, but that a constant main supply, under sufficient pressure, furnishes the greatest security against the spread of fire that the authorities of any town can adopt for the protection of the lives and property of its inhabitants. From a sanitary point of view a constant main supply should be provided for every town. It is now well understood that water is very susceptible of imbibing impurities, and that a bad character may be impressed upon the purest water by local conditions of exposure to the contaminating influence of the polluting atmosphere of a crowded town or house.

The cistern is an inseparable appendage of intermittent main supply, and how often may it not have been said, there is death in the cistern! Let it not be understood that it is the author's wish to condemn the use of cisterns. On the contrary, even with a constant main supply, cisterns are indispensable necessaries, to be used to guard against accidental breakdowns, and to supply water-closets, boilers, &c., with water; but at the same time it must be understood that in no case should water for dietetic purposes be stored in a cistern. Cisterns, in the best of houses, seldom get attended to; they are often left from year's end to year's end without being cleansed, and, as a rule, are dangerously connected with the sewers of the district. The consequence is that the water so stored contracts the foulest aerial impurities, which, in course

of time, from the evaporation taking place from the water stored, become concentrated to a dangerous extent. In the constant main supply the water for dietetic and culinary purposes should invariably be drawn direct from the mains. Such system enables the water to be kept cool and fresh, and when supplied from sources beyond the limits of the town brings with it into the crowded town the pure and healthy aeration of the country. The first cost of works for constant main supply is no greater than that of the more imperfect intermittent supply, while the advantages of the former, especially in small towns and villages, are very great, such works requiring little or no attention, as but a minimum amount of labour and attention is needed to distribute the supply.

It has been argued that constant water supply leads to waste, but it is not necessarily so, and if waste does occur it is entirely due to the supineness of those who have the control of our water apparatus in not taking proper measures to prevent it. Waste usually occurs from a variety of causes, such as leakage of mains, services, and cocks, taps being left running, probably to prevent freezing in the winter, or to keep the house-drains sweet. The cause of waste from leakage most dreaded is underground, due sometimes to settlements, or displacement of the mains, but oftener to the decay of the service-pipes used for distributing the water to our houses. In many towns leakage from these causes is continually going on; and although no particular leak may be sufficient to force its way immediately to the surface and so secure detection, the aggregate of all the leakages has been proved to be of a formidable character in many towns. The leakages from the cast-iron mains of a district are usually small, seldom exceeding one per cent. of the whole quantity of the water, if the jointing of the pipes has been well performed, and if they are laid at sufficient depth to protect them from the effect of heavy loads and to maintain them at a tolerably uniform temperature.

One of the principal causes of waste in many towns in this country is the use of wrought or galvanized wrought-iron tubes for the distribution of the water supply. These tubes are found in many cases rapidly to decay, and lead to the unnecessary waste of water, and the continual waste from this and other sources has caused the water for disposal in some towns to be insufficient to meet the continual drain, and an intermittent supply has, in consequence, been resorted to. It must not, however, be thought that a greater volume of water is required for a constant than for an intermittent supply. On the contrary, with perfect appliances for distribution less

water is required than with an intermittent supply, as with this latter mode a large quantity of water is necessarily wasted in the repeated charging and emptying of the mains. The author has calculated that a town the size of Croydon, with its intermittent supply, practically loses daily in the charging of the mains as much water as would be required, with proper fittings, to supply the whole of the water-closets in the district. Imperfect fittings are another great cause of waste. Water-pipes are placed in the most exposed situations, liable to be frozen in winter, to prevent which taps are left running. (What is easier than to restrict the use of all pipes, cocks, and taps in exposed situations?) The fittings of many water-closets are a constant cause of waste. The water is not unfrequently laid on direct to the basin of the closet, but the supply given is so small that it fails to flush the closet and drains, and consequently the occupier thinks it a sanitary necessity to keep the water constantly running to prevent nuisance. It cannot be too fully impressed upon all those interested in procuring or maintaining a constant water supply, that it cannot be permanently maintained without great expenditure of water, unless the best and most perfect appliances are used in the distribution of the water, and every method adopted to prevent its waste. Every district in which there are leaking mains or services, or taps left open, is liable at any moment to have its water supply contaminated from the foulest sources. This experience has shown to be the case, and it is well that these evils should be pointed out in order that a remedy may be provided. Whenever a supply of water becomes intermittent, the water left in the mains of a district is usually drawn or leaks out in the lower portions of the place, the effect of which is to cause a partial vacuum in the mains of the district. But no such vacuum is ever found, for the water-fittings usually in vogue allow air to enter the mains at those points from which water is usually discharged, or it passes in from the leakages. The consequence is that air from the foulest sources is often drawn into the mains and aerates the next charge of water the mains receive. The author has found in the course of his experience that the vilest liquids not unfrequently get drawn into the mains, both from water-closets and underground leakages arising from the suction of the ebbing of the flow of water when the water-mains of a district are draining.

Dr. Alfred Carpenter pointed out recently that impurities drawn into the water-mains of a district in this way are, apparently, the unexplained cause of disease. Hence the

necessity of a constant water supply to secure us against the inroads of such an insidious enemy to health and life. It may be asked—In what way are we to secure a constant water supply? The answer is—Simply by giving attention to the mode of distributing the supply. In the year 1870 the author made some experiments on the character of the water-fittings of the town of Croydon (one of the places once boasting a constant, but having now an intermittent supply). Two portions of the district were selected, in one of which the old fittings were in operation, the water being conveyed from the main in wrought-iron tubes direct to the basins of the water-closets, and the bib-cocks for the supply of water for domestic purposes were placed in the most exposed situations. A meter was placed on a main supplying 141 houses, inhabited by 653 persons, the water being distributed to 124 bib-cocks and to 131 water-closets. It was found that the consumption and waste of water on an average of six days was equal to 112·81 gallons per head per day of the population. Quite as much, and usually more water was found to flow away in the dead hours of the night as in the daytime. After this discovery the whole of the fittings and pipes were thoroughly overhauled, but on an average of ninety-one days the consumption could not be reduced below 37·38 gallons per head per day. At the time of the above experiment another district was selected, but in which water-waste preventive measures had been adopted, the principal feature of which was the intervention of a small regulative supply cistern to each water-closet, so arranged that water could not flow in and out at the same time. This district contained 241 houses, sixty-three of which were empty. The houses inhabited contained a population of 1,062 persons; the water was distributed by 248 bib-cocks, and to 246 water-closets. The quantity of water found to be consumed when the district was first tested was at the rate of 25·74 gallons per head per day, but after all the fittings had been overhauled the consumption, on an average of ninety-one days, was at the rate of 14·87 gallons per head per day. It will be seen from this latter experiment that with proper fittings and water regulations the quantity of water required for use in a district having a constant supply is very much less than is usually supposed to be requisite.

In concluding, the author would point out a few matters which must be insisted upon for the distribution of any water supply, if the sanitary well-being of the district supplied is to be considered.

1. Water, to a water-closet, should only be supplied through the intervention of a regulating cistern, the outlet pipe to the closet being large enough to give a good flush.

2. No overflow from any cistern should communicate directly with any drain or sewer, but such overflow should only act as a warning-pipe.

3. Every bib-cock, or stop-cock, should be of the screw variety; and all cocks, whether ball-cocks, bib-cocks, or stop-cocks, should be fitted with loose valves, arranged so that when they are relieved from the pressure of the lever or screw the internal pressure of water will raise the valve, and the flow of water will take place. But should the water from any accidental or other cause become intermittent, the loose valve would prevent the entrance of a back current (often of foul air) into the pipes.

4. The service-pipes for conducting the water from the mains to the houses should be of lead or block tin; the former if not injuriously affected by the quality of the water supplied to the district. In some cases thickly enamelled wrought-iron pipes may be used, especially if laid in terra-cotta protecting casings.

A series of regulations of this character would tend to remove all the difficulties attending a constant supply, and greatly improve the sanitary status of the population of many towns at present but imperfectly supplied with water.

---

*Well Waters in Villages and Country Places.** By FRANCIS SUTTON, F.C.S.

THE author said that in making a comparison between the water supplies of large towns and open country districts, it would seem at first sight that the country should have the advantage, inasmuch as the area of choice for obtaining water from the soil was very large, and for the most part free from the liability to contamination which invariably occurred in densely populated districts. With plenty of fresh air, such as never could be obtained in populous places, and the power of choosing a water supply free from contamination, the natural inference would be that the sanitary condition of the country would be much better than that of cities and towns. Statistics, however, contradicted this, and the object of the paper was to point out the most prolific causes of disease in districts which ought to

* See *Transactions*, 1869, p. 459.

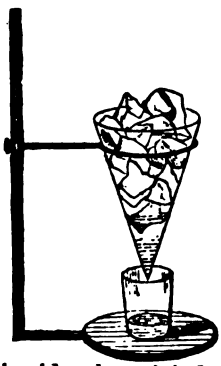
be the most healthy. Out of 429 samples of water taken from wells in the open country, 307 of them had to be condemned as being too much contaminated with sewage matter for healthy use; and when the history of the water had been learned, it invariably occurred that either a dead well or cesspool existed within a few yards, or sometimes even a few feet, of the well from which the water supply was drawn. Although there was up to the present no means of detecting the presence of diseased germs in water, either by the microscope or by chemical tests, yet we knew for certain that the water from wells into which leakage from cesspools occurred would propagate certain classes of disease to a frightful extent if the bodily discharges of diseased persons found their way into such wells, and which of course they could readily do when the distances between the well and cesspool were so small. From the numbers given, it appeared that in his experience about 75 per cent. of the waters sent for analysis from country districts were unfit for drinking purposes. Of course this did not represent the actual proportion of bad wells in the district, as no doubt in many cases there was reason to suspect the presence of impurities; but it showed that the construction of wells and the general management of village water supplies in this district was bad and ought to be remedied. One point which had come under his notice in connection with the new Public Health Act was the absence of any power to compel the owner of property to supply it with good water. Under the Act, the rural sanitary authority could cause a well to be examined, and if found bad, could shut it up. But there seemed no power to compel the owner to find a good one in its place. Perhaps it might be said that it was the interest of every owner of cottage property to attend to this. But practically there were many cases where landlords knew that the labouring classes could not choose but occupy certain dwellings for their own convenience, and they left them either to take the existing supply, however bad, or to seek other sources as best they could. Could anything be done to remedy this state of things in the future working of the Act?

---

*The Air we Breathe.** By Alfred Hutchison Smee, F.S.S., F.C.S.

The atmosphere has been considered to be a mixture of oxygen, nitrogen, with a small quantity of carbonic acid, and chemists have been content for many years to rest upon that knowledge, and have not sought for those more recondite matters which are supposed to lead to disease.

It appeared to me desirable to ascertain what class of compounds existed in the atmosphere, besides the gases of which it was known to be composed, and the watery vapour which also invariably exists in varying amount. For the purpose of experiment, I resorted to the process of depositing aqueous vapour by ice, by which a liquid containing various products was deposited. On subjecting this fluid to examination determinate results have been obtained which promise a rich harvest on future examination. The apparatus employed for the deposit of the fluid from the atmosphere was simply a glass funnel drawn to a point. When in operation, ice broken up to pieces about an inch across is placed in its interior, when moisture is deposited on the outside and runs to any convenient vessel placed below to receive it. The deposited liquid, when dried over sulphuric acid on a microscope slide, deposits remarkable crystals. These, from the odour of flowers, evaporate like camphor and crystallize again. The delicate odour of the pink, the delicious perfume of the honeysuckle, may be obtained in the aqueous deposit in reasonable quantities. Many of these scents will not keep any length of time, as they become sour in a few days, but the addition of pure alcohol prevents that change. These perfumes may be taken as a type of a class of substances which exist in the atmosphere.



The more important compounds, however, which may always be found to a greater or less amount are nitrogenous substances, which may possibly have an important influence on all living beings. It may be stated, broadly, that the deposited water containing the nitrogenized compounds from the air contains a much larger quantity of nitrogen in combination than that in the nitrates usually existing in chalk water, and

* See *Transactions*, 1866, pp. 429–440.

as the source of the nitrogen has been an object of solicitude to the chemist when it is found in potable waters, surely the presence of a larger amount of nitrogen in organic compounds existing in the atmosphere demands the most continuous and minute investigation.

The nitrogenized organic compounds in the atmosphere vary in amount, according to the day and to the situation in which the water containing them is deposited. When the fluid containing these nitrogenized bodies is dried over sulphuric acid, definite crystals are formed which have curious properties. Some of these crystals deliquesce after formation and recrystallize under other forms. This singular property is noticed, particularly in crystals from fluids deposited in the wards of hospitals where zymotic diseases exist.

Here is a field promising important results when carefully cultivated on a large scale, for who knows whether we may not ultimately discover the poison of a cholera, a typhoid, a scarlet fever, an erysipelas or other disease by the form of crystal which is deposited from the atmosphere. In these crystals the individuality, or, speaking more strictly scientifically, the peculiarity or special character of the nitrogenous compound appears to exist. The quantity of water which is reduced from the atmosphere by the apparatus varies materially at different times, and sometimes none is yielded, as the air appears to take it up as fast as it is deposited. The amount of nitrogenized compounds found in the deposited fluid has no relation to the quantity of water deposited, to the difference between the dry and wet bulb thermometers, to the amount of evaporation shown by the evaporometer, an instrument described in my father's work, "My Garden."

In the atmosphere of Carshalton an amount of nitrogen in combination equal to that in ·4436 grains of ammonia per gallon was found, whilst in the rain-fall of the same district the amount of nitrogen in combination was equal to that contained in ·2298 of ammonia, whilst the water of the chalk springs yielded nitrogen equal to that in ·2230 grains of ammonia per gallon. In equal amounts of deposited water the amount of nitrogenized substance varies considerably; for instance, in five cases where the deposit was 120 minims the amount of nitrogen in ·1971, ·2956, ·8088, ·8870 respectively. In two cases where the deposited water amounted to 600 the nitrogen in combination amounted to that contained in ·3942 and ·5913 grains of ammonia in a gallon, and in my stables, where from the circumstances we may expect considerable variation, the nitrogen amounted to that in ·9856 and 3·9424 respectively,

although the amount of deposits in both cases was equal for the same time. The comparison between the amount of nitrogenized compounds on the same day and for the same time, under varying circumstances, yields instructive results, thus: On April 23, 1872, the amount of nitrogen from 140 minims deposited in our garden in London was equal to that contained in ·8439 of ammonia. From 100 drops deposited in an erysipelas ward, it was equal to that contained in 2·3654 grains of ammonia. From eighty-six drops deposited in a scarlatina ward, it equalled to that in 1·0996. From that in a phthisis ward to that in 1·4784 of ammonia per gallon. In those cases where a great difference of amount of nitrogenized compounds was found, the wards were under a system of artificial heating and ventilation. When wards were ventilated by simply opening the windows the variation was much less marked or disappeared, an experience which opens up for further investigation and consideration the whole theory and practice of ventilation.

The diffusive power of the atmosphere was well demonstrated on one occasion when the drains of our house required repair, as the organic nitrogen near the drain amounted to that contained in 6·8807 of ammonia, thirty-five times more than that yielded from the air in the garden about twenty yards distant. The relative power of diffusion at different times, at different temperatures, and at different barometric pressures, raises questions arising out of these investigations worthy of long-continued and careful study. Physical conditions of atmosphere affect the quantity of nitrogen in organic combination. On April 30, 1872, a curious irregular mist passed over some parts of London, which was specially recorded in the weekly returns of the Registrar-General. My apparatus was at work in the London garden when the mist passed over, when drops were deposited which yielded nitrogen in combination equal to that in ammonia amounting to no less than 4·1734 grains per gallon.

It has been noticed that when epidemics have raged mists have frequently been a concomitant. It was observed in one cholera epidemic that London was never seen from Greenwich Hill whilst cholera lasted, so that this mist experiment opens a field for investigation of pressing urgency now that cholera threatens, and which demands careful and repeated observations. The organic matters contained in the atmosphere are not in the state of the highest oxydation, and require a varying quantity of permanganate of potash effectively to oxydise them in different cases. The relative proportion in thirteen instances varied from 84·4 to 495·8 grains for every gallon of deposited

fluid, whilst the water supplied by the new River Company took 87·5 per gallon to effect the complete oxydation of its organic matter. Nothing can prove more demonstratively the immediate necessity of studying the atmosphere when the sources of danger are so much greater in the air than in a potable water. Small quantities of carbonic, hydrochloric, sulphurous and sulphuric acids have been detected in the deposited fluid from the atmosphere. Mycelia of fungi have been sometimes seen in the deposited water after a few days, and occasionally, but not always, slight fermentation has taken place when the deposited fluid has been added to a solution of grape sugar.

Having pointed out some of the leading results of my investigation of the foreign substances in the atmosphere, I venture strongly to recommend that the examination of the air should henceforth be made by authority in a systematic manner. For these researches to be of real and continuous benefit a laboratory should be appropriated to this special object, where two or three competent persons should be continually employed in the analysis of the deposited water. No individual is competent to carry out these operations on an extensive scale single-handed, and therefore I must now leave the subject in the hands of our sanitary authorities, having made a case for the prosecution of the investigations.

Should the Congress consider the subject to be important, and to promise good practical results, I would ask that they should recommend our Government to take the necessary steps to give us a daily return of the constituents of the atmosphere, for surely the "air we breathe" is as worthy of study as the "water we drink."

On the recent Outbreak of Typhoid Fever in Marylebone. By William Hardwicke, M.D., Medical Officer of Health for Paddington.

THERE is no subject in relation to public health that has attracted more attention or caused so much alarm as the allegations which have been made regarding a recent epidemic in Marylebone and Paddington, and which has been attributed in some quarters to typhoid poisoned milk.

This is not the first instance of a similar suggestion. At Penrith, Islington, Leeds, Parkhead, Chester, and Edinburgh, epidemics have occurred, the origin of which has been attributed to a poisoning of the milk supply, although there are many

scientific reasons which render this theory extremely doubtful. The object of this paper is to put forward certain facts which have been ascertained after careful consideration of some of the difficulties which surround the question, and I cannot help expressing regret, that in a matter of such vital interest hasty conclusions should have been arrived at by some medical authorities, especially as the statements originally put forward (and which caused much unnecessary alarm) have not been borne out by subsequent investigation.

The first public announcement relating to this matter was a statement made by the Health Officer of Marylebone to his Vestry early in August last, informing the Board that, although illness was prevalent in a certain locality in the parish, it was not in any way to be attributed to the drainage or water, as the drains were in perfect order, and the water supply excellent. Soon afterwards an account appeared in the *Times*, copied from a medical journal, of a frightful outbreak of typhoid, occasioned, it was said, from milk, and giving the names and addresses of twenty-two heads of families, nobility, medical men, and others, and in each of whose houses it was alleged there were cases of typhoid fever arising from milk supplied by one purveyor. It was afterwards made known that the Medical Officer of Health of Marylebone and of St. George's, had proceeded into the country to investigate the cause of the alleged outbreak, and in a report from the latter he stated that the suspicions excited (as to the remote cause of the alleged outbreak) were fully confirmed; that although the farmer on one of the farms of the suspected dairies had died on the 8th of June, two months previously, and that his death was registered as caused by "heart disease," but that notwithstanding this there was reason to be believed that he had died of malignant typhoid; and although there was no illness among the workmen, yet a lad, one of the sons of the man who had died, was lying in bed suffering from slight diarrhœa, which the local medical man thought might turn out to be a case of enteric fever, and that consequently the interest attaching to the case was intense. The report expresses a belief that soakage from a privy used by the deceased farmer had caused the typhoid poison to percolate into a well in the vicinity, the water from which was used for the purpose of washing the milk cans in which the milk for supplying Marylebone was put. These were the main facts which originated the milk and typhoid panic of Marylebone. As officer of public health in the adjoining parish of Paddington, and finding cases of typhoid had occurred in that

district, it led me to examine the statements alluded to very closely, and a variety of circumstances came under my notice which caused great doubts in my mind about the alleged causes of the outbreak.

In the first place I had strong reason for believing that the house drainage and the sewers in the district of Marylebone, and in my own district of Paddington, were in an unsatisfactory condition. In that part of Marylebone where sickness prevailed, the houses having been constructed more than half a century ago, had old cesspools, which very likely in some cases had never been emptied, and in the course of time it is probable the subsoil had become contaminated. However this may be, it has been admitted that the sewer gas from the gulleys throughout the infected locality was foully offensive at the period of the epidemic. There was also some dislocation of the drainage at that time, which had a tendency to divert the course of the sewage into the locality complained of. I also found upon inquiry at houses where cases had been reported in Paddington, that the local conditions were fully sufficient to account for typhoid cases in the houses themselves:—untrapped drains, soil pipe of the water closet poisoning the cistern through the waste pipe, water consequently dangerous to drink, bad ventilation—in fact all the necessary conditions under which fever might be expected to occur:—filthy emanations arising, which alone would pollute the air breathed, the water or milk drunk, or the food eaten by persons living in such houses.

As a proof of the absorbing power of milk an instance has just come under notice. In a dairy where milk was put to stand for cream some carbolic was used to disinfect its drain, and the volatile vapour of the acid being absorbed by the milk, the man's customers complained that the milk was so poisoned by the carbolic that it was unfit to be mixed with tea or used for any other purpose. I have distinct evidence that cream rapidly absorbs sewer gas of our drains, as we already know water does, and that this dangerous element has been overlooked in this instance.

Again, pure water exposed in a foul bed-room for a few hours gets polluted, and may be tested in the usual way, showing organic ammonia.

Under these circumstances, it does appear extraordinary to me that the cause should be looked for in so remote a locality as forty miles away from the seat of the mischief. Knowing well the state of farmyard arrangements and cow-sheds in country villages throughout the kingdom, I am not surprised

to find that well water was polluted on the particular farm alluded to, as many thousands are polluted in a similar manner at the present moment, but I have serious doubts as to the possibility of a few drops of polluted water poisoning so large a quantity of milk, especially when the extreme dilution is considered, the hypothesis being in direct opposition to scientific results obtained by recent investigation. The London dairy, moreover, is situated in a district where bad drains exist, and where, at the critical moment, structural arrangements were going on in the immediate vicinity, so that foul gas might have found its way into the premises and so poisoned the milk, which would corroborate my previous experience that foul air will contaminate both milk and water, and so cause enteric fever. This is a much more probable cause of the mischief than the apocryphal case placed before the public by those who are responsible for the propagation of the panic. It is also a significant circumstance with regard to this inquiry that no professional examination was made of all the cows yielding milk for the suspected dairy, for it is well known that the milk of one cow may be in such a state that when mixed with good milk the whole will soon become putrescent, and this may have been going on without suspicion.

It would occupy too much time to suggest all the precautions necessary to prevent milk epidemics, but having proved to your satisfaction that milk and water may be polluted by sewer gases, it is obvious that the real remedy lies in strict attention to the removal of foul odours from our drains and sewers, keeping our dairies and larders clean and sweet, and so annihilating all dangerous nuisances of that character in and about our dwellings.

MISCELLANEOUS.

*Report of the Joint Committee on State Medicine.**

SINCE the passing of "The Public Health Act, 1872," the committee contented themselves with watching its working. This has been very uncertain, presenting totally different features in different parts of the country, making it a difficult matter to ascertain the present, and still more to forecast the future, condition of sanitary organization. The remarkable and perplexing spectacle has been presented to the public and the medical profession, of the official representatives of one

* See *Transactions*, 1872, p. 374.

and the same central board, in circumstances precisely similar, giving instructions and recommending lines of policy, not only inconsistent with, but directly opposed to each other.

Some of the inspectors appointed by the Local Government Board have advocated and urged the adoption of large areas for sanitary measures, under the direction and control of specially trained and highly qualified health officers; others, with equal earnestness, have advised small areas, with the ordinary poor-law medical officer as the only guardian and director of sanitary effort and improvement. It is hardly to be wondered at that, under these circumstances, sanitary authorities should have shown such apathy and indifference, waiting for some unequivocal indication from head-quarters of the course they ought to pursue. Very generally the offer of part-payment of the salaries of officers of health out of the public funds has been declined, as any such partnership with the central authority implied, as a necessary consequence, control as to the duties, duration of office, and salary of the medical officer. Although the appointment of this officer is by the Act compulsory, yet authorities, having entire control of the salaries and duties, have been enabled, at their option, to minimize both, so as to do as little as possible in work entailing expenditure out of local rates. They have, therefore, kept the control of medical officers of health in their own hands, and thus are enabled to continue that obstructive policy which, as your committee frequently pointed out to the Government, is the necessary result of the provisions of the Public Health Act. Experience has amply proved that to entrust powers of such vital importance, requiring great knowledge, experience, and tact, to persons in no way qualified either for organization or execution, possessing no special aptitude or training, and aided by no intelligent and consistent guidance in carrying on the sanitary work of the country, must, of necessity, entail failure; and shows the propriety of the strong dissent expressed by your committee, in their memorial to the President of the Local Government Board (April, 1872), "from the suggestion that medical officers of health should be subject, in the discharge of their proper functions, to the direction and control of non-medical inspectors." The past Session has shown that the President of the Local Government Board is at last becoming aware of the reasonableness of the views so persistently urged upon him by your committee—that some body of higher authority, and presiding over an area of greater extent than that of a town council or board of guardians, was required to control and direct local action, and that a super-

vision and correction of boundaries of districts was an essential to the initiation and completion of sanitary measures.

A paper was read "On the Systematization of Reports of Medical Officers of Health, with the view of making them comparable with one another," by Mr. T. J. DYKE, Health Officer to the Urban and Rural Sanitary Authorities, Merthyr Tydfil. The writer discussed the subject under two headings; first, what should be the outlines of such reports, and, second, what the means whereby they should be made, methodized, and utilized. In stating his views with regard to the first question, the need of two kinds of reports was pointed out: a preliminary report, which should state in full detail the geology, watershed, and aspect, the natural and municipal divisions, the area, population, and meteorology of a district, and the characteristics as to site and situation of the habitations of the people; the quality and quantity of water supply, the drainage and sewerage of the district, the prices of food, rates of wages, and average numbers of paupers; the statistics of marriages, births, and deaths in previous years, the sanitary imperfections discovered, and the remedial means recommended. The annual report should comprise statistics of population, marriages, births, legitimate and illegitimate, vaccinations, and deaths; the character and quantity of water supply, prices of food, wages, pauperism, rainfall, and temperature; the special arrangements for promoting public health, such as drains, sewers, and closet accommodation, inspection of nuisances and removal of refuse, inspection of lodging-houses, markets, &c., means provided for the treatment of the sick, and for the disinfection of houses and clothing when epidemics are prevalent, sanitary improvements needed, and practical working of the sanitary laws. Copies of reports on the sanitary condition of the urban and of the rural districts of Merthyr Tydfil, and loose sheets of the various forms used by the writer, were laid before the meeting.

The second division of the subject was discussed somewhat in detail, the conclusions being summarized in the following words:—Considering that the union and registration districts and sub-districts are well-recognized units, by the aggregation of which, first counties, and then divisions, are formed; it is expedient—first, that such districts should be placed under the supervision of one health officer, duly qualified and specially trained, whose duties should be those set out in the orders of the Local Government Board; second, that in the registration counties, singly or in combination, a superior consultative health officer should be appointed, charged with the duties of

advising local authorities and assisting local health officers; third, that in each of the eleven divisions the general supervision should be confided to a member of the medical department of the Local Government Board, specially charged with the oversight of a particular district. The head of the medical department, as chief of the staff, would receive the directions of the minister president of the Local Government Board. The divisional inspectors, as generals of division, would be responsible to the head of the staff for the due execution of the orders issued. The county consultative officers, as colonels of regiments, would superintend the details and secure the performance of each assigned duty. The local health officers, as faithful captains, would perform each labour assigned to them in their defined spheres.

Labours thus accurately defined by the orders of the central authority, carried out by local authorities with the aid of skilled consultative and trained local health officers, labours thus carefully tended in their small beginnings, weighed and investigated by minds full of experience and knowledge, collated by minds still more ripened by years of practical acquaintance with all matters conducing to the promotion of the public health, labours such as these could not but be productive of ever-increasing and lasting good to the inhabitants of our land.

Commander William DAWSON, R.N., read a paper on the "Registration of Deaths in the Mercantile Marine."* He said that in the annual report of the Registrar-General for 1872, it was stated that two-thirds of the deaths in the merchant service were the result of causes other than disease, and that the danger of the sea in the navy was four times and in the merchant service fifteen times as great as the danger on land. By comparison it is estimated that, over and above a fair rate of fatal accidents, upwards of 2,000 seamen, besides masters and passengers, are annually hurried into eternity.

The Registrar-General of seamen has a complete system of registration for foreign-going seamen whilst actually serving afloat by which the seaman's name, ship, voyage, and wages are recorded. Also when discharged, why and where, and if by death the amount of wages and the value of his effects, administered to by the Board of Trade and paid by the Board to the relatives of the deceased, or, if unclaimed by his friends, into the national exchequer. The existing registration has special reference to the pecuniary relations between shipowners and their crews, between whom the Board of Trade acts as paymaster and referee. It is effected at the shipping-

* See *Sessional Proceedings*, vol. vi. p. 337.

office at the outset of the voyage, and again in the same place, on the return of the ship to England, when the crew receive payment and discharge. Changes amongst the crew occurring abroad are made in the presence of the collectors of customs in the colonies, and of the consuls in foreign ports, who report the change to the Registrar-General of Deaths, and record it in the "official log," appending to it the necessary certificate. The machinery would supply, with a little addition, the means of effecting a reliable registration of deaths of merchant seamen whilst in actual employment at sea or when in foreign hospitals. But being designed as a property register, without reference to the cause of death, it was not intended to and, therefore, fails to serve the life-saving purpose incidentally educed from the system of registration pursued on land. The additions required are—(1) A medical certificate of the cause of death, as if the death had occurred on shore; and (2) A coroner's inquest, on evidence that a sudden or suspicious death has occurred during the voyage. To effect these purposes, in case a death has occurred during the voyage, a medical officer should, by a pre-arrangement with the shipping-master, attend the shipping-office at the time of discharge, to inquire of the master, officers, and crew there assembled into the symptoms and medicinal treatment of the case; to inform them how far the treatment was judicious, and what would have been the best remedies; and to fill up the medical certificate of the cause of death, usual in the case of landsmen, for the information of the Registrar-General. Should the medical officer find that the death was one in which, in the case of a landsman, the coroner would have been called in, that official should hold the usual inquest, accepting evidence of the death in lieu of the customary sight of the body. Similar steps may be taken to ascertain in each case of death how passengers on board ship had met with their deaths.

Major-General M. SYNGE, R.E., read a paper "On the Application of Charcoal to Household Impurities."* The writer said that the best sanitary means are such as meet the following requirements:—1. The air must not be corrupted; 2. The water must not be contaminated; 3. The soil must not be clogged. The best economical means are such as:—1. Attain the end most completely; 2. At least cost; and, 3. Most saving of value. Vehicles of carriage are either; 1. Liquid, or 2. Dry. 1. Liquids are either:—1. Cesspools, or, 2.

* See *Sessional Proceedings*, vol. vi. p. 337.

Sewers. 2. Dry earth, ashes, valueless refuse, or valuable deodorants. Liquid carriage involves of necessity all the consequences of the chemical admixture made, and is inevitably attended with leakage and with gaseous escape, from cesspools percolating into wells, from sewers only imperfectly preventible. These escapes vary from being simply disagreeable to being deadly. The generation of these gases obeys a natural and perfect law ; the attempt at prevention is artificial and consequently imperfect. Dry vehicles are deodorants as well. Instead of generating, they prevent the formation of noxious gases. Earth, ashes, and valueless vehicles, fail to secure the value in the material to which they are applied. Charcoal retains it perfectly. Charcoal unites the three sanitary requirements and the three economical considerations, and it meets them all perfectly. It corrupts nothing, contaminates nothing, clogs nothing. This irrespective altogether of geographical position; but especially applicable to inland towns, where, water-carriage is often attended with difficulties altogether independent of its inherent demerits. The practical question as to the possibility of carrying out charcoal application next arises, or must water be resorted to from necessity if not by choice? Sewers arose out of the intolerable evils attaching to cesspools and what are called middens, and the sluicing power of water was resorted to for effecting local removal, and there was no rival or superior scheme known at the time; but it causes the evils already stated, and is economically destructive. Now a dry deodorant has been obtained from the very impurities to which charcoal has been applied. The mass is made inoderous, manageable, and profitable by the valuable process adopted by Mr. Stanford in carrying out his valuable discovery of the law of nature by which the cycle of growth, decay, and restoration is carried on. An obvious means of lessening the dangers incidental to sewers where these are connected with the house is to apply charcoal and dry removal in closed receptacles to special burning works, for destructive distillation, in all hospitals, and especially in all hospitals dealing with infectious cases. Contagion would be limited to the minimum consistent with the employment of water at all. With regard to towns generally, excrement should be kept out of sewers, and this can be easily done by the application of charcoal, as illustrated in the Sanitary Exhibition of the Association. Urine should be unmixed with water. Its collection by any inodorous process is desirable. It can be done perfectly as to result by charcoal, but if its inoffensive removal by itself or nearly so can be effected, it will be yet more profitable. The solid portion of

kitchen-stuff is easily dealt with by means of charcoal; the liquid by means of intermittent sink filtration. Mechanical filtration purifies water legitimately polluted for purposes of ablution and cleansing. The proper disposal of sewage requires, first, that water should be polluted only, not corrupted; that value should be secured, not destroyed; and that it be borne in mind as a rule generally applicable that purification in detail is to be preferred to aggregation of bulk.

Dr. CHARLES SHRIMPTON read a paper "On Cholera." The author gave a general history of the propagation of cholera; described the principal features characteristic of the disease; discussed the question of non-contagion, and considered the efficacy of quarantine, of disinfectants, and of sanitary hygiene, as preventions of cholera. Dr. Shrimpton asks, "We know whence come the plague, typhus and typhoid fever. We can effectually secure ourselves against the invasion of these diseases. Can we secure ourselves against the invasion of cholera? We could most assuredly do so if we knew the focus from which it came, and the means by which it is propagated. We certainly do not obtain any security, nor do we advance our knowledge of the disease, by declaring that cholera is contagious. Can we find any security in disinfectants as a preventive measure? We must ask ourselves what it is that we have to disinfect to prevent cholera. What is it? Where is it to be found? No one yet has been able to tell us. Is it not then somewhat of an empirical operation to set about decomposing and neutralizing this and that liquid without knowing what it is we have specially to decompose and neutralize?"

He submitted that quarantine and disinfectants, as preventives of cholera, are absolutely inefficacious, illusory and injurious; and that by the strict observance of sanitary hygiene, quarantine and disinfectants must become superfluous.

The conclusions which the author drew were that the cause or origin of cholera might probably be the effect of a combined electric action of the earth and the atmosphere under some peculiar circumstances; that cholera was a state of asphyxia of the elementary cells of the whole system, and that it could not be a contagious disease; that we derived no protection whatever from quarantine, lazarettos, sanitary cordons, and disinfectants against cholera; and that the execution of sanitary measures would always protect us from contagious diseases, and perhaps, in a certain measure, from cholera. As to treatment, the principle by which he, and

he believed other medical men were guided, was purely and simply that of reaction.

Mr. W. J. Cooper read a paper "On the Defilement of Air by Volatile Vapours." The writer said it is to be regretted that some well-meaning workers in sanitary science recommend a course of action which (by adding noxious vapours to the impure air for disinfecting purposes) not only increases the previous defilement, but prevents clarification, which is the main object to be attained. After speaking of the detriment to health when the air is charged with any volatile vapour, and stating that there was evidence that the air could not be impregnated with a vapour sufficiently powerful to destroy germs or infectious matter without damage to the tissue of the lungs, he said that if the air of a room be foul, the obvious remedy was to open the window to let in the external air as the best purifier. If the room contained germs, they would probably find surfaces to rest upon, and it was by cleansing all surfaces that the room was to be purified, and not by futile attempts to disinfect an ever-changing atmospheric current. As germs of disease must be looked upon as a dangerous enemy, they must be treated as an invading army, and deprived of every possible feeding and resting place. As they were fostered in filth and putridity, all filth and decaying matter should be carefully removed, and decomposition should be arrested in sewers, on road surfaces, and in all holes and corners where putrefying matter of any kind was deposited. For the purpose of arresting decomposition, chemical substances should be used which did not by their nature defile the air, and were not dangerous, destructive, or offensive; for it was of the utmost importance to make disinfection popular, and it was contrary to human nature to delight in substances which were irritating and obnoxious to the senses, and which had a tendency to cause a positive evil in the attempt to prove a possible one.

A paper on "The Radical Prevention of Disease" was read by Dr. J. S. Holden. The author said that the radical prevention of disease lay in the removal of these two primary causes—hygienic abuse and intemperance. The Public Health Act of 1872 was a wise advance on the part of the Government, and when the working was more perfected would institute a new era in the promotion of health and arrest of disease. Intemperance, in spite of various societies and improved education, still increased; and the writer suggested that

to check intemperance there was an urgent want of harmless recreation for the working-man's leisure—something to attract without compulsion. It was during the intervals of leisure that youth formed habits of intemperance, which grew more confirmed with age; to this rest from work every labourer, mechanic, and apprentice looks forward, as a brief time of liberty, when they may freely pursue gratification or pleasure. Under persuasion and pressure they may occasionally be constrained to attend lectures and reading-rooms, but to most it is very uncongenial. The question then arises, is it possible to provide harmless and healthy recreation, which the working-man would seek and not be driven to? It must be recreation, as he gets enough of work. Why should there not be during the winter months good theatricals in fit rooms in all our large towns and villages? A small grant from the State could not be better appropriated than to maintain a fair corps of actors, frequently exchanging. To these rooms the working classes should be admitted for a few pence, and find healthy enjoyment. During the summer time every town park and village green should be provided, at public expense, with bowls, quoits, cricket, and other games, which would attract youth from the haunts of intemperance.

Miss M. L. Moore read some "Suggestions for Board School Buildings." The writer was of opinion that the form which seemed to be the best adapted for schools is that produced by the nave intersected by transepts. The preference should be given to this because it admits of windows being placed on either side of each compartment, which is an absolutely necessary arrangement to secure perfect ventilation and abundance of light, especially direct sun-light. The windows only on the opposite side of the building from which the wind blows should be opened, except in very hot weather. Each apartment should also have a ventilating shaft, fitted with a perforated plate and valve, and the ceiling should never be half-way up the roof. A sloping roof acts as a sounding-board, and causes confusion when several classes are receiving instruction.

ECONOMY AND TRADE.

GENERAL RELATIONS OF EMPLOYERS AND EMPLOYED.*

What should be the General Relations of Employers and Employed, both Trade and Agricultural, and are Industrial Partnerships desirable? By ROWLAND HAMILTON.

IT is not the object of this paper to enter into any detailed criticism of the Master and Servants' Act, the Criminal Law Amendment Act, or any of the Acts affecting the relations of capital and labour. This technical work must be done chiefly by professional agency. I shall refer only very briefly to the principles, essential to any high organization of industry, which should be borne in mind in determining the true province of legislation on the subject, bearing also in mind specially the conditions subsisting in this country. For it is delusive to draw any such comparisons as that between England, with a population of nearly 400 to the square mile, and the United States, with an average of 11 only to the same area. Economic arrangements, not merely possible but the best adapted to such resources, are altogether out of the question here. We may take England as it is, or the colonies or the American States as they are, but it is a great mistake to confound the conditions subsisting respectively in these widely differing fields of industry.

Our "old order is changing, yielding place to new"—changing from many causes of which the most irresistible is the great increase of numbers, which (and it is an important fact to bear in mind) have more than doubled within the limits of the nineteenth century. Regarded broadly, the competition arising from it has had the effect of raising greatly, instead of depressing, the class of manual labourers. And we have still good cause of hope for the future. Too ready a resort to

* See *Transactions*, 1870, pp. 465–485.

emigration may be merely evading a difficulty which admits of a better solution. Other countries show a similar, if somewhat less energetic, tendency to increase, and England, to maintain her position as the head of a mighty empire, must accept a higher alternative. Applied science shows how ample are the "natural agents" which our soil and our commerce place at the command of well-skilled and well-organized labour. The work has long since begun; the shifting of population from the rural districts to the towns has not been the result of design or of sentiment, but of the necessity which has impelled men to find their means of living under conditions which made efficient organization comparatively easy. The call now from some of our most enlightened statesmen is for the further application of higher skill and more capital to the culture of the soil, and the higher organization of industry will be as urgently required in this as in all other branches of industry. The theoretic difficulties of an overwhelming population are not those which press most closely on the present generation; numbers rightly used may still add to the strength and prosperity of the country.

The hindrances to this needful organization are quite as much of a moral as of a material character. Labour and capital are too often in an attitude only of "organized hostility." The ever-recurring problem of how to secure the progress so absolutely requisite for the prosperity of our increasing numbers, with the order essential to progress itself, is embarrassed, not only by mere ignorance, but by many perverse misunderstandings; and relations between man and man, which are in their nature merely casual and accidental, are confounded with those of primary and permanent importance.

Let me first call to mind, in a very few words, how the matter necessarily stands as between capital and labour. Men must be *continuously* fed and clothed while work is going on. Capital *must* be advanced to keep alive so many men and those dependent on them for so many days, and there is an end of it. There is, *first*, the consumption and absolute destruction of capital, which is certain and immediate. It is only *after* the commodities produced shall have been completed and made fit for use, that they can, directly or indirectly, replace to the owner the capital expended; and whether this capital be owned by one or by many, it will not, and in the long run cannot, be risked without adequate compensation; hence all reckless waste must inevitably come, sooner or later, out of the products available for the support of labour. Work is now so much subdivided that one trade usually buys material partially prepared, carries it on a stage towards fitting it for

its final use, and sells it again to another trade for further or final work to be put upon it. But whether this work is regarded as a whole, or taken thus in sections, the principle is entirely the same. An amount sufficient for maintenance, call it wages or what you will, must be advanced out of capital already accumulated, and is replaced, not out of profits, but out of value *subsequently* reproduced. It is a question of time, but time is of the very essence of the question. There is no truth regarding production which is more practically useful, if only it can be practically and familiarly realized, than this. Capital is constantly being consumed, and can be replaced only by continuous and well-directed efforts.

We shall assuredly have more and more to fight against the difficulties of increasing numbers by means of labour more highly skilled and better adapted and adjusted to the ends required. This work is not like that of piling up a vast mound of earth by mere manual force, so that anyone who quits his task withdraws only his small unit of aid. It is rather like the forging of a chain, and the strength of the whole is that only of the weakest link. An incalculable increase is gained in efficiency, but upon the condition that the work of all is dependent on the exact performance of the work of every one, so that any one may waste, spoil, or hinder the work of very many others. Let the workman's skill be what it may, the utility of his work depends upon the fidelity and punctuality with which it is fulfilled. It is of the very essence of the requirement that any piece of work should not only be well done, but done in the right time, place, and quantity.

It is to be regretted that the word co-operation has been so much used in a restricted sense, for it tends to obscure the fact that in a civilized State men must, and inevitably do, co-operate, and that special schemes for co-operation are only worth regard in so far as they may work out better means for securing this necessary end. Taking the word in its broader sense, the practical question arises:—Can anything be done by legislation, first, to promote or facilitate effective co-operation; or, second, to regulate the means which different classes may adopt in their own interests to influence the terms upon which they agree to work together?

There is one point essential to all alike,—the maintenance of contract. Precisely the same arguments apply to the commonly subsisting arrangements of employers and employed; of masters and servants; of capitalists on the one hand and labourers on the other, and to any association the members of which possess their own capital and take their part of combined

wages and profits in equal or arbitrated shares. Such a body, as a whole, stands in the position of an employer, and the duties of every individual member to the body corporate are just as imperative, and of necessity as stringent, as those of the many employed to the one employer who undertakes the risks of production. Whether a man works for his fellows and partners, or for a master, he cannot, in the very nature of things, be on the same level with them or him as regards the weight and extent of his obligation. As I have just shown, he can but do the work of one; he may mar that of tens or hundreds. The interests of all alike, of "Co-operative Societies" no less than those of "Masters and Servants"—are vitally concerned in the efficiency of the laws framed to uphold the integrity of contracts duly and lawfully entered into.

I say advisedly "duly and lawfully," for there are contracts which the law most righteously disallows. No man can sell himself into slavery. Under certain circumstances the length of time for which contracts for service are recognised is jealously restricted. Neither do the higher principles of equity countenance a captious, unreasonable, or malicious construction of a contract, or enforce terms obtained by misrepresentation, intimidation, or surprise. So also political economy assumes as a postulate the equality of parties contracting—not of course an equality of wealth or status, but of independence and knowledge as regards the conditions and subject-matter of the contract. In insisting upon obligations of the kind, those who appeal to the law must take care to come to court "with clean hands."

Nor does it follow that efficiency is secured by needless stringency or undue severity. The object of a contract law is not to prevent men who have no prescience from changing their course of action from unforeseen changes of circumstance, but rather to restrain them only from so doing without due regard to the interests of those with whom they are associated. Bearing in mind only that the civil liability is to be rated on the loss suffered by those on whom the change is imposed, the law should be so framed as to provide for such exceptional contingencies as easily as the nature of the circumstances will permit. For all needlessly imposed hardship is of the nature of injustice, and utterly incompatible with the relations of mutual trust and good-will, which of all things it is desirable to promote. "Specific performance" of a contract need not be enforced when full indemnity can be given in the form of an award of adequate damages. But if any man wilfully incur a liability to pay damages which he knows that he cannot satisfy,

or recklessly undertakes engagements which he knows, or ought to know, that he cannot fulfil, he is much in the same position as a fraudulent bankrupt, or, at best, of a bankrupt whose recklessness or negligence imply a hardly less degree of culpability. It is an insult to common sense to say that wilful breaches of contract of this kind are not of a criminal nature, and that a combination so to break contracts is not a combination for a fraudulent and criminal purpose. The man who suffers for such an offence has no right to complain that the law falls heavily on him. It is he who dashes himself against it in defiance of the laws of necessity, from the action of which there is no escape.

But it is clearly beyond the province of legislation to determine the conditions or the terms on which employers and employed should come together, and any special restrictive action of the law regarding the contentions which arise on such questions seems more likely to do harm than good. Nothing but the stern teachings of experience can remedy many of the evils from which we suffer. They are beyond the scope of law proper which cannot lay down a theory of what ought to be. It lays down only what can and ought at all hazards to be enforced, and it cannot in the very nature of things do more than impose its penalties on those who fall below some definite and recognized standard of duty; though it can prevent a standard of moral obligation once established from drifting backwards. Hence it is of far more importance that it should be stable and firmly administered than that the sphere of its action should be widely extended.

Because the recourse to such extreme measures as strikes and lock-outs is in the last degree undesirable, both on moral and economic grounds, it by no means follows that the law can provide the fitting remedy for the evil. It is taking a very short-sighted view to look only to the loss and trouble entailed by such contests. Questions of great and permanent interest are rarely settled without much cost, suffering, and difficulty; and to argue that such measures are wrong merely because they entail present distress is to appeal to far too low a principle. These issues must be fairly worked out, and just as it is not law but the spirit of litigation which has led many to ruin, so it is not trades' unions but the spirit in which trades' unions are too often devised, and met, which endangers the welfare of industry. The great fact that capitalists and labourers are mutually dependent on each other will operate far more strongly than any compulsion the law could apply. It must quickly become self-evident that the question of the division of

the products of labour cannot be solved by ceasing to labour at all. Those especially who influence trades' unions would be less fearful of capital gaining an undue advantage over labour if they would duly consider the weight of argument which shows how inevitably, under free and peaceful conditions, profits tend to a minimum. It is the want of security and the difficulties made by a spirit of hostility which make capital dear and keep up a high rate of gross profit.

I submit, therefore, that as far as law provides modes of procedure for voluntary association, every facility should be given for the formation, regulation, and dissolution of trades' unions fairly and openly asserting their class interests. The action of some unions may be ignorant, tyrannical, and mischievous, but the faults are not all on one side in these struggles, and at the worst the abuses of unions can far more effectually be combatted by counter unions than by any attempt at legal coercion. Moreover, the denial or grudging recognition of equal rights raises a false and personal, instead of the true, issue. The more directly and palpably the responsibilities of unions fall on those who guide them the better, and there is nothing which so strongly appeals to the best part of our national character as the sense of a definite personal responsibility. Also, while using such facilities, unions must come more fully under the higher influences of law, as well as under such restraints, but under such restraints only, as are necessary for the good of society. Lastly, the interests of opposing classes are in their very nature so subordinate to the general interests common to all that there is far less danger, even from "organized hostility," than from discontent and unorganized weakness, tending surely to anarchy.

Above all, the means provided for the administration of the law must be duly strengthened. Many of the questions now arising touch matters affecting personal interests, or class interests very closely associated with the personal interests of those called upon to adjudicate upon them. The danger is not only that men of strong views on their own side of the question may even unconsciously strain or misinterpret the law; the higher and more scrupulous minds are just as apt to err on the other side. An unequal administration of justice is the inevitable consequence, the evil of which is increased tenfold by the specious grounds it affords for partial decisions on the one side, and the disparagement of judgments rightly given on the other. The introduction of representatives of labour to sit with the supposed representatives of capital, would merely introduce a conflict of opposing interests utterly foreign to the true idea of

justice as supreme over all. A solution of the many difficulties which beset questions between employers and employed cannot be expected unless due provision is made for providing ready access to courts which shall command a position of complete independence, and the prestige of high legal training and experience, which is the best safeguard against the unconscious bias of preconceived opinions. I would say, in a word, we require strong courts and strong law within the proper region of law, not a diffuse and widely extended legislation entering into remote considerations of motives and consequences beyond the region of positive law.

I have said that the questions between employers and employed must substantially be worked out by experience. Industrial partnerships, the distinctive principle of which is that all engaged in them shall share the profits of the undertaking, are in this context most worthy of special consideration, though for reasons which I shall presently state I do not think that this is the form in which all industry will or ought to be organized. The position of those who, from the status of employed, accumulate and combine their funds to bring the questions at issue between them and "employers" to the test of practical experiment is most manly and right-minded, and from the spirit which animates the chief supporters of the movement there is good reason to hope that the benefit of their experiences will be open to all the world. One great source of error is that the most crude and vague notions commonly prevail as to what is necessary for production. But when capital is no longer regarded as a vast fund out of which wages can be paid at the mere will of the rich, it will be felt that scamped work and hours cut short are an offence, not merely against a master, but against the trade at large and society itself. It is very well for the navvy to feel that he has so many thousands or millions potentially in his pickaxe, just as every soldier may feel that he carries a field marshal's bâton in his knapsack; but the responsibilities of work bring men to realize how any such measure of success must be altogether exceptional, and in no way characteristic of the gains of a class. The practical knowledge that capital, though within reach, is hard to make and hard to keep will become self-evident to men's understandings when they, their friends, and associates, have made and lost money in the fair struggles of industrial enterprise. The truth will come home with new force, that to aim at earning a portion of the capital on which so much depends is a laudable aspiration, while the attempt ever to be driving a hard bargain for, or to waste, that owned by others is a ruinous

and suicidal policy. Then such questions as "What is a fair day's work?" "What is the money value of it?" "What is the fair price for capital and a just compensation for risks?" These, and many others, must be worked out under conditions in some respects peculiarly fair and impartial. The mischievous fallacy that wages are paid out of profits cannot survive such experiences. When the half-truth, so often misapprehended, that wages can only be raised at the expense of profits or the reverse, is better understood, it will be evident that there is no such hard and fast line limiting production as would make the increase of one dependent on the diminution of the other. Better knowledge of material resources, higher skill in using them, above all, the well-disciplined array of all the powers which man can bring to bear, may extend indefinitely the ratio of production. Even with a very moderate degree of success in bringing labour and capital into more harmonious relations, and clearing the field for more efficient enterprise, the worst difficulties will disappear with the progress made. And if experience shows that no great changes can be made without involving some individual hardship, it also most amply proves that the most prosperous industries are those which have gone through such changes and met and overcome the difficulties incidental to them.

Further, industrial partnerships will naturally be formed to take up different sections and subsections of productive work. They will have to buy and sell to each other, and another economic truth will be brought clearly home, namely, that it is in the interest of labour to buy cheap as well as to sell dear. The notion that high prices are a proof of prosperity will not be so easily assumed; we shall work out the simple fact that cheapness and plenty are the best conditions for, and the ultimate test of, prosperity.

So far, good. But are industrial partnerships the best and most efficient means for (1) doing all the work the country requires, and (2) affording the most suitable and acceptable form of remuneration to those engaged in it?

Experience has shown that all widely extended partnerships are only fitted for work which has been reduced to at least comparatively definite rules, by which those associated together can each test his own work and that of his fellows. Beyond this a more complete division of labour gives better results.

Further, the handwork of the mechanic; the routine headwork of the superintendent; the "abstinence" and the care in selection of the capitalist; the special enterprise and powers of direction of those who take the ultimate control of under-

takings, are all clearly distinct functions. I do not say that the mechanic may not have, as a man, in addition to the skill of his hand, aptitude and enterprise, which in a certain very obvious sense are higher faculties; still less that he should not have a share in the accumulated products which make capital. But the association of these functions in one partnership is not essential to cordial co-operation. It is enough that men working for a common end should be satisfied that they are getting a fair share of the results obtained. Indeed, different modes of remuneration are particularly adapted to different kinds of work and service. Specific mechanical work or that of superintendence may, ultimately, lead to gain or loss quite independent of the skill and fidelity with which this special work or service is performed, and may, therefore, well be paid for without regard to the ultimate uses to which they are made to subserve. Again, capital receives the interest which is very aptly termed the "remuneration for abstinence." As far as productive industry is concerned it is merely a commuted proportion of the results which could not have been obtained without the advance expended. The security for the advance is not sought for by any direct control over the undertakings supported, but by careful selection of them—just on the same principle that an insurance company, by generalizing with due care on so uncertain a thing as human life, attains a very high degree of safety. If everyone who received interest had a right to interfere in the management of all undertakings aided by his capital, there would be no end to the confusion and "meddle and muddle" which would ensue. It will be seen that labourers' wages and capitalists' interest are both on precisely the same footing as regards any share in the risks and profits of the undertakings in which they are concerned.

Deducting wages and interest, there remains an uncertain balance of excess or deficiency in the ultimate reproduction, just as surely uncertain as human knowledge is fallible. Risks there are, it is true, in work of all kinds, but as far as results can be estimated, or special risks provided for by insurance, average rates of production may be assumed, but these must, nevertheless, tell in the final results, which are further subject in a greater or less degree to special uncertainties, arising from fluctuations of "supply and demand" to which I need not refer more at length. It is these final results which are commonly spoken of as profits, and much of the work done for profits cannot, in the nature of things, be shared. The number of advisers adds nothing, but tends only to weakness and confusion where special qualifications are chiefly required. The

dictator rather than the council is necessary for the success of many enterprises. The word "profit" is, indeed, often used in two different senses. It means primarily the excess of production over consumption, or, in common words, the excess of income over expenditure. It is also used to imply the special remuneration just referred to, and is inseparably associated with risk of loss; but does not necessarily imply on the average more than the bare means of subsistence. Thus, if a man spend 1000*l.* in wages paid to 100 men, and sells the commodity produced for 900*l.*, he loses 100*l.*, plus his own personal outlay. But the receivers of wages may have saved 100*l.* or more, and, if so, capital is not diminished, but has merely changed ownership. Skilled artisans are better able to save than many retailers, and a bank manager with a good salary, which is just wages under another name, is rolling in wealth as compared with many needy traders. The "profit" which leads to the ownership of capital does not depend on the form of remuneration.

A payment in addition to wages, conditional on profits, is an alternative plan possessing many advantages. It is not, properly speaking, a share of profits, but may be better suited to the circumstances of many. It is clear that if more or a better quality of work than the average is done, a higher rate of payment is justly earned. There are many ways in which hearty good-will can promote success, and it is very right and expedient that all should share in advantages so secured. This plan will also have a useful tendency to mobilise labour. If profits mount up in one branch of trade and fall off in another, there is thus provided an early and direct inducement to make a timely change which will help to mitigate the extreme fluctuations which are so severe a cause of distress.

Nothing is to be gained by striving after an ideal uniformity which hinders, rather than promotes, the unity of regulated purpose which is the essential requisite. Artificial restrictions in any form will only delay the ultimate adjustment of the many vexed questions now pending between employers and employed. The working of associations for mutual supply—not, properly speaking, co-operative—show how little the special form is necessary to the great object of getting good work done on fair terms. Under either system good work will tell and get its remuneration. Management is a speciality in which a few only can find adequate employment, and though a participation in work of the kind is a perfectly fair object of desire, it is a most mischievous exaggeration to argue, as some appear to do, as though a direct personal share in the risks and

profits of production were a necessary condition of intelligent labour. Many, on the contrary, will gladly and wisely take a fairly commuted share in the general results to which they contribute according to their tastes and capacities; enjoy a comparative freedom from care and uncertainties, and may devote their spare time to other and more congenial objects.

Industrial partnerships have hitherto been tried with most success in the manufacturing districts and for comparatively limited branches of industry. How far they can be applied to agriculture has yet to be tested, for though experiments have been attempted it is evident that unless such schemes can be made strictly self-supporting their use as examples fails altogether. But they do undoubtedly promise great economic advantages over the system of small holdings, where larger results seem only to be obtained by a disproportionate excess of unremitting and all-absorbing toil. A class exempt from the narrow and segregating influences which bear so heavily on the peasant proprietor, and yet having a personal interest in the soil, could hardly fail to be a valuable element in the country.

It is impossible within the limits of a paper to enter into points of detail in the complex and many-sided questions arising under conditions differing so widely in various districts. Bearing in mind how very recently the more educated classes have escaped themselves from many economic fallacies, we must not lose patience if such hindrances to mutual confidence and the use of common sense are still to be overcome. Arbitration in this as in other matters may be invaluable as far as it implies the friendly intervention of judicious persons competent to aid in adjusting differences of feeling or opinion. But it must not be regarded as a cheap substitute for law. Where questions of right have to be determined or enforced it is far better to avail at once of the weight of authority and experience which the courts of law afford. Agree, if possible, from argument or by compromise, but the crude attempt to litigate without law is the most hopeless form of dispute.

It may be truly urged that the utmost freedom will never satisfy those who live on agitation and thrive on the discontent which they do their best to foment. But all that can with reason be hoped for is that those who mean work and are capable of doing it should agree on the justice of the bases laid down and equally applicable to capitalists and workmen or to industrial partnerships under whatever modification. There always will be some discontent, but unless discontent is promoted by substantial grievances the malcontents, whether few

or many, must ever be inherently weak from their very incapacity to recognize the truth that some restrictions on individual caprice are necessary for political life under any form whatever. Such a residue, though a blot on civilization, and a scandal to national education, can never be a serious cause of danger to a healthy State. True it is that the sword must not be borne in vain, though the fractions fought for are often so very small a part of the gains to be secured by peace. Our policy must be one, not of concession to force, but of faith in large-hearted and open-handed justice.

I have said little, but I do not desire to ignore the spirit of injustice and violence; the crimes, perversities, and ignorance which have had too much part in these contentions. More than enough of prominence is often given to charges and recriminations of wrongs and errors which are neither to be excused nor palliated. But still less are they to be made precedents for retaliation. Still less should even breaches of the law be made the pretext for an outcry ruthlessly to increase the rigour of its penalties. It is not by such means that strife among men bound together by the ties of country and of blood can be allayed. The debasing cant which especially sneers at those who trust too much, must not impel us into the far greater folly of not trusting at all. Evil there is and will be; evil that must be combatted to the death; but what are the weapons of the contest? Alike to all—to those powerful by wealth, by influence, or by numbers, to all embraced in the widest bonds of a common faith—comes this word: "Be not overcome of evil, but overcome evil with good."

DISCUSSION.*

Mr. W. C. SILLAR (London) said: The proper relationship between man and man is that of fellow-servants, and no other can be allowed without letting in, as a flood, all the strife and envy that disgrace and injure our present industrial institutions. We must either admit this principle, or be prepared to abide by another, viz. that we have no master but self-interest. But we do admit the first, and so all class disputes must be brought to this final test. Has the action taken by the disputants tended to the advancement of the general good or the reverse? And by this test alone can it be judged. I must not be supposed to advocate *equality*. There are grades of service—upper

* A paper, announced to be read on the question by Mr. William Owen, had not arrived at the time of the discussion. It, however, came to hand afterwards, and has appeared, I believe, in the *Potteries Examiner*, Hanley.—*Ed.*

and under servants—and it is most important that there should be strict subordination and obedience. Disobedience seems to be the crying evil of the day; everyone wants to be master, and hence the quarrelling. If I be so highly favoured as to hold a superior situation, and have other servants under me, just as I feel bound to give absolute obedience to my superiors, so do I like to receive it similarly from those under me. Industrial partnerships are not only desirable, but they are the only proper means of carrying out any work. There is equity in the proposition that everyone who labours at a work is entitled to a share in the result; and if this work is good work, it will also resemble a tree planted by the wateside, that will bring forth fruit in due season, but it must not be expected to bring forth fruit out of due season; and if unfortunately the improvident workman cannot wait for the due season, he must sell his share day by day. In this case the price of his day's share is his day's wages, and therefore the rate of wages is neither more nor less than the market price of his day's labour, and the only way permanently to raise this, is by so working as to raise the probability of profitable ultimate results. Thus we may see the utter folly of thinking that strikes and lock-outs can have any other possible effect than to lower the prospect of profit, and consequently the daily wage rate. We have been told of many co-operative associations that have broken down. It would not at all be a bad idea to hold upon all such dead bodies a scientific post-mortem examination, not for any advantage to the dead, but for warning and instruction to the living; and I would extend this examination not only to dead co-operative associations, but to public and private companies which come to an untimely end.

Mr. George Hurst (Bedford) denied that any positive antagonism between capital and labour could be a continued reality, as they were mutually dependent upon each other; and when they seemed to be in opposition, it tended to the injury and depression of both interests. Without the employment of labour capital became effete and unproductive; and labour, unless sustained by capital, became ineffectual. It required the capitalists to obtain the materials, conveniences, and machinery for the employment of labour and for the distribution of its products when completed, but without labour production was unattainable. The consequence of antagonism between them must be to reduce the profits of one and to starve the other. There had been too much legislative interference in questions of this nature, instead of leaving them to the natural law of supply and demand, which unrestrained would be certain to adjust any differences that might arise; and any legislation or combination to interfere with the natural social and economic tendencies will be certain to receive severe retribution. The history of strikes and combinations among masters will make this apparent. It is to be regretted that tacit if not avowed combinations or habits exist among the working classes, to demand for the inferior workmen equal remuneration with that received by the superior labourer, which practice reacts very much against the inferior workman himself, by altogether throwing him out of work when there is a deficiency of employment. It also occasions at times a deficiency of employ-

ment, by leaving many things undone, many improvements unattempted, which will not afford expensive labour. By this pernicious system of nearly equalising the price of labour, the inferior workman often, when employed, obtains more than his services are worth, while to compensate the employer the superior workman is underpaid. In affairs of this kind there ought to be no restraint. The employment of labour ought to be put on a similar footing with commercial transactions—a free bargain between employer and employed. The master should be allowed to make the best bargain that he can with his workpeople; and the workpeople to obtain the best possible terms for themselves. With this perfect freedom, when there chanced to be an abundance of employment and a great demand for labour, the master would be constrained to pay the utmost he could afford, reserving for himself only a fair profit; and when trade became deficient, labour must be remunerated at a lower rate, so as to produce commodities sufficiently cheap to stimulate consumption. If, instead of fancying that the employer and employed had opposing objects, they could be brought to understand that their interests were mutual, there would be but little chance for strikes and combinations. It is only among productive occupations that strikes and combinations exist; in professional and mercantile pursuits they are entirely unknown. In such occupations, if the services of an assistant are valuable he will not be long before he demands an equivalent remuneration, which the master must concede if he wishes to retain his services. A man of inferior business capacity must content himself with a low scale of wages, and to better his condition must strive to improve himself in usefulness. It is a question whether industrial partnerships can become generally a real and continued success, as when many are employed, and have a voice in the management, in a business, there must be much to contend with on account of different habits, dispositions, and capacities. Some would be earnest and energetic, others careless and dilatory: in capacity no two would be found alike, and all would probably overrate themselves and underestimate the services of their fellows. It can hardly be expected that such partnerships would contend successfully with commercial vicissitudes. Losses or depression in trade, reducing the profits to a very low amount, or, for a time, causing the work to be done without profit, would produce dissatisfaction, contention, and disgust. In the private working of ordinary partnerships, where very few persons are engaged, there is often found much disagreement and dissatisfaction. The agricultural labourer is generally regarded as unskilled, especially when compared with the artisan or manufacturing operative. The manufacturing operative generally displays great skill and facility in performing his function, but it is chiefly in a single operation that he exercises his ability, and to which he devotes the energies of an entire lifetime; whereas the farm labourer has great variety of services to render, requiring great judgment and skill—ploughing, so as to be perfectly equal and straight, as though drawn by an exact measurement, and for the whole length of a large field; mowing, reaping, hedging, ditching, thatching, and stacking, and other operations requiring judgment and practice, and entitling the labourer to be called a skilled workman.

Mr. Frederic Hill (London) entertained, on the contrary, a high opinion of industrial partnerships, and confidence in the increase in their number, and in their general success. While agreeing in most of the views taken in Mr. Hamilton's paper, he differed with him as to there being any inherent difficulties in industrial partnerships, in regard to their management. No one could be more fully convinced than himself of the necessity of this management centering, ultimately, in one person; but the same might be said of all companies, whether called industrial or not; and as this principle was, more or less, carried out in railway companies, banking companies, insurance companies, and many others, he saw no reason why it could not be adopted in industrial companies. All that was needed was general intelligence among the shareholders—a discernment of that which is as needful for their common benefit as the appointment of a captain is for the safe navigation of a ship. With respect to the development of industrial partnerships, he felt sure that they would follow the course of other large partnerships, as, for example, banking partnerships, between which and industrial partnerships there was no essential difference, and which were gradually supplanting all private banks. He did not agree with Mr. Hurst's belief that even if industrial partnerships became general in regard to manufactures, they could not, at any rate, be extended to agriculture. No doubt the process would be comparatively slow, owing to the agricultural population being scattered; but though slow, it would, in his opinion, be certain. One farm, conducted as an industrial partnership, and of which, from time to time, they had good accounts, had now for some years been carried on in Suffolk, and Mr. Walter Morrison had lately organised another in Herefordshire; while in the Western States of America industrial partnership farms were extensively and speedily being established.

Mr. T. Y. Strachan (Newcastle-upon-Tyne): A constant struggle is going on between these two classes to determine the ever-varying question—what is the relative proportion of profits which should respectively reward labour and capital? This discussion is ever eventuating in strikes and vexatious methods, too frequently showing an utter disregard of those sound economic principles which the paper so ably recognises. When the paper reminds us that wages are not paid out of profits, a truth is enunciated which cannot too widely be enforced among the employed. It may be that temporarily profits do pay, but, in the long run, it is the consumer that pays; and the necessity is to look beyond the present, and, seeing the ultimate effects, show that even a present but temporary gain in wages may be an ultimate and permanent loss. Take the reduction of working hours which is coming, called the nine hours movement, as an example, apart from its moral aspects of leaving the workmen more leisure for mental cultivation. Its spread has increased the value of every commodity, so as practically to lower the value of gold. The leaders of the movement are astonished to find how hard it is to live even with increased wages. The cost of production of all things has increased, and that cost is falling on the consumer. It is to try to settle the moot question of the proportion of profits for employer and employed, that recourse has been had to co-operative

productive works and industrial partnerships, and these are experiencing the difficulties under which manufactures have been carried on. But it must not be supposed that these institutions are a panacea for strikes. Even when they are successful, a workman may consider it more advantageous to have a certain higher wage than a contingent profit: when an unfortunate time arrives, he is more likely to be dissatisfied; and this is shown by the fact that one branch of workmen at the Ouseburne Engine Works (a co-operative concern) are on strike. Here, again, I recognise a valuable dictum in Mr. Hamilton's paper. Co-operators "must learn to lose and gain;" they must expect to be subject to most of the difficulties of manufacturing firms;—they will fail as well as succeed; and, however startling it may seem, it were better for them to have a few failures. We have all learnt best by the experience we have paid for. All traders and manufacturers have to lose at times. It is not to be expected that co-operators can go free. Their wisdom will be shown in learning from their failures what to do and what to omit in the future. Mr. Hamilton seemed to put his finger on an important doctrine worth considering by co-operators, viz. "management is a specialty." It has seemed to be a belief in co-operative stores, and not altogether avoided in co-operative works, that anyone, without previous training or knowledge, might be a manager. It would be strange if a man whose life has been spent in manual labour could successfully and instantaneously become a buyer of and trader in commodities of which he has hitherto been only a consumer, and much more strange to find one totally unaccustomed to mercantile life who could successfully carry on a large manufacturing concern. Failure is often the result of the neglect of the doctrine that "management is a specialty." That there may be difficulties in the way of agricultural co-operation, I am not in a position to deny; but it seems to me that the principle of industrial partnerships is applicable. Without the land-owner parting with any part of his interest in the land, he may set aside a percentage for capital, and divide any surplus between capital and labour, as is done in some manufacturing concerns and collieries. Looking at the difficulties besetting a manufacturing concern carried out as a co-operative one, the necessity for able management, the danger of workmen seeking to interfere, as shareholders, with what must be left in the discretion of the executive management, and the risk in case of failure that the small and hard-earned savings may all be lost, it would seem that the system of industrial partnerships is most deserving of encouragement, as likely to fairly apportion profits, while avoiding many of the dangers of co-operation as applied to production.

Rev. E. L. Blackman (London) said: The great question before us is the adjustment of the relative rewards of capital and labour. The contention of the friends of labour is, that capital obtains too large a share. That there is some truth in this allegation appears to be admitted by the fact that a number of leading capitalists and others have established a commercial co-operative company—a form of industrial partnership—the fundamental principle of which is, that only five per cent. dividend shall be received by each shareholder as the interest on

his capital. But anything done in this way as a merely voluntary philanthropic measure is of little value. If it be admitted that five per cent. or thereabouts should be considered a fair reward for capital, the great problem would be to devise such measures as would naturally keep down capitalists' profits to some such figure. It is to the working of trades' unions we must look for this result. Trades' unions have improved and elevated the status of the workman, by giving him an independent position in the labour market, and adding a new element to the constitution of that market. Whereas, before their establishment, the only means of raising the wages of the labouring class was the competition between capitalists, the labourers being obliged to accept whatever wage was offered to them, just as the slave was compelled to give his services to the man who bid the highest price for him on the block; now, having become a capitalist himself to the extent of enabling him to live without labour for a time, he has introduced the new principle of freedom of contract between labour and capital, which virtually did not exist before. It was the combination of workmen which enabled them to assert this principle, when individual workmen would have been destroyed in detail by the capitalists. Trades' unions, then, having wrought so useful and important an object, ought to be supported, encouraged, and especially elevated. There is no reason why they should not acquire the more honourable position enjoyed in past ages by trading companies. We have had in England the Honourable Company of Ironmongers, Saddlers, Lorimers, Fishmongers, Goldsmiths, &c., and there have been the guilds of Italy and Flanders. Let us elevate these trades' unions, and make them labour guilds, each with its Guildhall—however simple—and rules drawn up with the advice of men learned in the law. In their corporate capacity as guilds let them become capitalists, extending the principle of contribution by members of the unions to support a temporary strike. Let this contribution be permanent. As the contributions swell into large sums the interest may be spent on objects beneficial to all the members of the guild. On any occasion when any guild or union comes to the conclusion that its members do not receive their fair proportion of the wealth created by their labour, instead of vindicating their claims by the wasteful mode of a strike—which involves a loss to the country at large, and still more so to their own union, by the loss of labour and its rewards for the time—let them do so by the more economical and more dignified mode of their guild or union establishing with a portion of their funds works on their own account, engaging managers and commercial agents, with all the machinery of buyers, salesmen, travellers, clerks, &c. The abstraction of a certain number of men on each occasion of a necessary strike into a permanent employment, rival to that of the capitalist, would have the tendency to raise the position and wages of the labourer, and to keep down undue profits of capital.

Mr. J. Gurney Hoare said there was no evidence that the co-operative farm in Suffolk prospered at that time. It had been suggested that the joint-stock system was becoming universal, that no private bank had been started for the last twenty years, and that the joint-stock system

with limited liability was perfectly successful. He knew of one very prosperous private bank which was started twelve years ago, and, according to a gentleman present, there were several others of recent establishment that were doing equally well. Of the limited liability companies that were started about 1866, many had since come to grief. The Contract Corporation Company was started to rival the firms of the President (Mr. Brassey) and of other great contractors, and it had proved a most lamentable failure. Such instances furnished the vindication of well-conducted private enterprises as opposed to co-operative works. The Ouseburne Engine Works, some of the workmen of which were out on strike, afforded an instance of the manner in which managers were usually chosen for such co-operative works, not because they understood the business, but because of some popularity with the shareholders.

Mr. T. Hancock (City Treasurer of Norwich) said he hoped never to see the guilds suggested by Mr. Blackman revived. The old Norwich guilds had driven away the trade of Norwich to Leeds. He believed that the question of capital and labour could only be controlled by the law of supply and demand. In all business operations there was a great necessity of centralisation and business experience. If the Newcastle concern alluded to by Mr. Strachan had been in the hands of two or three gentlemen, they would never have made a loss of 10,000*l.* in one year. The secretary of a company had all the power, and the success of a company depended very much upon the selection of a secretary. At the great works of Messrs. Colman, at which 1,300 hands were engaged, there was now contentment among the employed; but he believed if the concern were transferred to a joint-stock company it would prove a failure. Co-operative stores had been tried in Norwich by persons unacquainted with business, and had proved failures, although they had done injury to the regular trades.

The Rev. C. W. Stubbs (Granborough, Bucks) thought that much might be done by the clergy, especially in the rural districts, to disseminate amongst the labourers a knowledge of some of the simpler facts of social science. It was the duty of the clergy, he considered, to speak out on these questions. With regard to the agricultural labour question, he thought the clergy should study political economy, in order that any advice they might be called upon to give should not only be earnest and well-intentioned, but reasonable and wise. During last winter he had himself held a sort of weekly discussion class for the agricultural labourers of his parish. He had in this way read to them chapters from such books as Mr. Brassey's *Work and Wages*, Mr. Fawcett's *Political Economy*, Thornton on Labour, and even Mr. Greg's *Enigmas of Life*. He considered if classes of this kind could be organised in our villages, either by the clergyman or squire, or other educated parishioner, for the direct instruction of the labourers in the simpler laws of political economy, and the acknowledged results of combination and the organisation of industry, much good might be done.

The Chairman (Mr. T. Brassey, M.P.) said: I cannot but feel grateful to those speakers who have thought it their duty to vindicate

the claims of the employers—with so many of whom I am intimately connected—to fair and just consideration, both on the part of those whom they employ and on the part of the public at large. I should venture to assume, that at such a meeting as this it is not necessary to detail the services which the accumulation of capital renders to the community. On the contrary, I think you will all agree with Mr. Holyoake when he said that capital should be regarded as the enemy of nobody, but rather as the nursing-mother of production. It may, no doubt, be true that in many points of view it would be better that capital should be accumulated in many hands rather than in those of a few; but this is also certain that it is only by the gradual accumulation of capital in this country that our British industry—notwithstanding the high rates of wages which prevail here—has hitherto been able to compete successfully with the more cheaply paid labour of foreign countries. In that sense the accumulation of capital has been a great boon and blessing to working men. It is almost unnecessary to urge that the accumulation of capital in this country is certainly not due to the excessive rates of profit which are realised in England, but I think I may venture to advance the opinion, that in no other country does capital command so low a rate of interest as it commands in England. Only yesterday I had an illustration brought under my notice of the tendency which prevails to diminish gradually the already low rate of interest. In Captain Tyler's analysis of the working of the railway system he points out that the average rate of interest on debentures has been year by year diminished, and that at the present moment, it does not amount to more than 4¼ per cent. Now, I know, as an investor, that I can obtain an equally good security in America which will pay me six per cent. Therefore it would be an error to assume that the large accumulations of capital which have taken place in this country are due to the excessive rates of profit which prevail. I would rather say it is due to the fact that, as a body, the employers of labour in this country are superior to those of other countries by their frugality, by their commercial sagacity, and by their continued devotion to business. What one wishes to establish is an appreciation of these views in the minds of the great masses of the employed. No one can watch a strike without the very deepest pain and regret; and if we could discover any means by which workmen could be deterred from going out on strike, it would be a most invaluable discovery. The only remedy which I can conceive as likely to avert the recurrence of strikes, or to diminish their number, would be a remedy which could succeed in imparting to the working men a more perfect knowledge of the commercial position of the business in which they are engaged. If you could prove to the working man that the concession of his demand must make the business of his employer unprofitable, the working man, as a man of sense, would not go out on strike. But how is that knowledge to be imparted to the working man? That is the great question. Of course the opening of the employers' profit and loss account or a thorough knowledge of the net cost of production in the trade would be conclusive, but there are, as we must all appreciate, great difficulties in the way of submitting books of accounts to the inspection of the

public. First of all, if the position of the employer were insecure, it would have a serious effect on his credit. There are cases where, at a particular moment, the profits would no doubt amply admit of a rise in the rate of wages; but, on the other hand, that particular time of prosperity, when the demand which I am supposing to be made is brought forward, might have been preceded by a long period of adversity; and although the capitalist, on considering whether or not he would go into a particular trade, in which there were years of adversity would also look forward to years of special prosperity, and would only be induced to go into a fluctuating business because there were occasional times of prosperity; yet, on the other hand, the working man in contending for his own interests would say, "I don't care how much you had lost last year, or the year before last: I look to the profits of to-day." It is evident that that would not be fair to the interests of capital, and hence there are great practical difficulties in exposing to the inspection of the public the profits of business. Then, how is there any possible means by which the working men could have before them an effectual test of their claims? Theoretically viewed, the co-operative system would afford this test. Whatever might be the rate of wages paid in a co-operative industry would be regarded as a test of the rate of wages to be paid by other employers engaged in the same industry. I hold that if you could only make co-operative productive industry successful, it would be a great relief to the employer, who could refer to the wages paid in the co-operative establishment as being the standard or gauge by which the wages of the employed should be tested. Therefore, from an abstract point of view, it would be very desirable, if it were possible to do it, to establish co-operative industry. Then we have to consider what are the practical difficulties in the way. I am sorry to have to acknowledge that they are very serious. First of all, the accumulation of capital, which is a slow and painful process. Then the difficulty which has been wisely urged by many of the speakers who have addressed us to-day, of securing from the great mass of men employed in a co-operative establishment that necessary deference to one of their number, without which it would be impossible to be successful. I have had, both individually and from my connection with others, some experience of what is necessary to secure good management in business, and I say, unhesitatingly, that in all cases where it can be done individual is incalculably better than corporate management. But trades' unions hold that it is antagonistic to democracy to allow any one individual, whether elected by his fellows or not, to be above the rest. They hold that this is antagonistic to the democratic principle, and therefore the International Society will not have any of it. Some time ago I was asked by persons in the highest position, many of them from the Continent, to take part in the formation of a contract company. I declined, and I pointed out difficulties which were, to my mind, conclusive. If you have to deal with shareholders, you must meet them every half-year, and you must be prepared to meet them, too, with a dividend. It is of no use to say, "Wait for four or five years, and then you will have a dividend." The business with which my father was concerned was

only to be made successful by long patience, and for these reasons I declined to allow my name and that of my father to be used in connection with a co-operative undertaking. Some allusions have been made to the efforts which have been made to carry out the co-operative principle in regard to farming operations, but my opinion is that they have all proved failures, and that it will never do to trust to a mere philanthropist in the management of a farm. I have worked for some years with Mr. Auberon Herbert, who loves the working man, but I doubt his ability as a farmer; and the same remark would apply to Mr. Walter Morrison, another most generous, kind-hearted man. My opinion, with regard to co-operative undertakings, is that they have not yet been established with success in England, although they may have been on the Continent. But do not be deterred by past failures. I think it is desirable, if possible, to unite in one bond the otherwise opposed interests of capital and labour, and I should welcome most cordially the establishment of some concerns of this kind on a sound commercial principle. Attempts have been made to establish such undertakings, but, like the Millwall Iron Works, they have been disastrous failures in the end. In that case I have very little doubt that if it had been in the hands of a private shipbuilder like Mr. Samuda, the concern would have been better managed. We cannot, I think, consider the questions of capital and labour without acknowledging the existence of trades' unions. It is only fair to say that many persons very competent to judge say that the trades' unions are rendering services not only to the working men, but to the masters. You must recognise the great change which has taken place, and continues to take place, from the aggregation of large multitudes of working men living in the same town, and living, in a social sense, entirely separate from the masters. That is a thing which, of course, has a tendency to diminish, to some extent, the personal influence of the employer over the employed; and the existence of these large multitudes of men, engaged each in his particular business, establishes between them a community of interests we cannot help recognising, and which they desire to see protected by some organisation among themselves. Trades' unions have, no doubt, done harm by encouraging demands that were unreasonable. The leaders of trades' unions very often possess immense influence over the men, and unfortunately they do not possess, in any proportionate degree, a knowledge of the business in which they are concerned. They have sufficient influence over the men to urge them to make a demand, but they have not sufficient knowledge of the business to know if the masters are in a position to concede the demand. Then, again, some of the trades' unions have done great harm by endeavouring to equalise the rate of wages as between individual and individual. Nothing can be more pernicious than that. It was the foundation of my father's successful system of carrying out large contracts in public works in all parts of the world, that the principle of payment by the piece should be adopted; and it is a most desirable thing, in every point of view, that men should be encouraged to work diligently and well by the system of payment by the piece. In a concern—an engineering establishment—in which I am a principal partner, on the banks of the Mersey, we not only pay

the workmen by the piece, but also give them a percentage on the profits. I can recommend this plan for general adoption. On the other hand, trades' unions have done good in their way. The governing authorities of trades' unions are wiser men than their clients, and in many cases have persuaded them to accept machinery more readily, and to adopt regular systems of working more readily, through the influence of these heads of trades' unions than they would otherwise have done unless they had been so advised. Through the exercise of this influence the double-shift system has been introduced into the collieries of Durham and South Wales, and twice the quantity of coal raised that otherwise would have been raised. In Lancashire, according to the report of Mr. Redgrave, factory inspector, the principle of arbitration in the adjustment of trade disputes has been accepted by the operatives through the influence of the trades' unions. Industrial partnerships in cotton factories have been established in Lancashire by simply adopting the Joint Stock Companies' Act; but the people all know something of the industry and are quite alive to their own interests, which is a very different thing from the co-operation of persons who individually know nothing of the business they undertake. Cotton factories have been established in which the capitalists were the tradesmen of the operatives. These instances of modified co-operation have been attended with success, and I venture to hope there will be more of them. In all cases we wish for nothing but fair and equal justice as between capital and labour.

Mr. C. S. Read, M.P., said he was glad that a distinction had been drawn between joint-stock companies and industrial partnerships, which had not been sufficiently regarded during the discussion.

LOCAL TAXATION AND ADMINISTRATION.*

On what principles should Local Taxation be levied? And what should be the principles of Local Administration and Government? By J. J. Colman, M.P.

THE local expenditure of the United Kingdom during 1868, the year on which Mr. Goschen's report was based, was for England and Wales, thirty millions; for Scotland, three millions; and for Ireland, three millions; making a total expenditure in round numbers of thirty-six millions sterling. This is a heavy amount, and demands our consideration. But we are not in a position to deal with the whole, for our information, which is imperfect with regard to England and Wales, is still more so with regard to Scotland and Ireland. To simplify matters we must therefore treat of English local expenditure alone, and this amounts, as I observed, to thirty millions. We find that 16,000,000*l.* are raised by rates, being direct taxation;

* See *Transactions*, 1872, p. 417.

4,350,000*l.* are raised by tolls, dues, and fees, being indirect taxation; and the remainder by loans or Government subsidies. Of the aggregate receipts of thirty millions, the manner in which the disbursements are made is as follows:—Thirteen millions are spent in distinctly *urban* districts, five millions in distinctly *rural* districts, nine millions in districts partly rural and partly urban, and the remainder, nearly three millions, are expended by maritime authorities. When we examine this account we shall find certain items that may be considered as non-remunerative, which have become to a great extent fixed charges, and are scarcely capable, under the most sanguine estimate, of any reduction in amount, although there is an urgent need that an alleviation of the pressure be in some way devised. The heaviest charge is for the poor, and amounts to seven millions and a half; for police we spend three millions; our highways cost one million and a half; and then there must be added sanitary rates, lighting and watching, fire brigades, vaccination, &c., all of which make up a total, in round numbers, of fifteen or sixteen millions. It must be borne in mind that these items which I have enumerated constitute what may be called the dead weight of our local charges.

The next category contains harbour, pilotage, lighthouse, and market dues, turnpike tolls, bridges, and ferries, making up together three millions and a half indirect taxation which is of a remunerative character. To these must be added the sums raised by loans, Government contributions, and from miscellaneous sources; and thus we have the total of thirty millions. Respecting the loans, which of late years appear to amount to something more than five millions per annum, I would remark that they are simply a means of carrying forward a large liability which the ratepayers must ultimately meet; so that the present rate of taxation, heavy as it is, does not represent fully the amount of expenditure. And it must not be forgotten that the recent Education Act will entail an additional burden of considerable magnitude upon us, but to this I shall allude presently.

There exists a general conviction that our rates, nationally, have been growing at an accelerated pace. In order to ascertain whether this is the fact we must revert to a former period for the sake of establishing a comparison, and we find that since 1841 there has been an increase of eight millions. This large amount comprises the police rates which had then commenced, and additional rates, since imposed, to the extent of five millions. We must also bear in mind that, excluding these

new rates, the rateable value of property has increased at an almost identical ratio with the taxation. The comparison stands thus:—

The rate in 1841 was 2*s.* 7*d.* in the pound
" 1868 3*s.* 4*d.* "

being a difference of 9*d.* in favour of 1841.

Excluding new rates:—

The rate in 1841 was 2*s.* 7*d.* in the pound.
" 1868 2*s.* 6¼*d.* "

being a difference of ¾*d.* in favour of 1868.

Now, although this may seem to show that our present taxation, compared with that of former years, is not exceedingly burdensome, yet our experience in Norwich, and that of some other boroughs of similar extent, which I have brought into comparison in the printed tables, proves that it is intolerably heavy in some towns. And we have no reason to believe the causes to be temporary or exceptional, but, on the contrary, we may fairly assume them to be examples of what is likely to be the general state of the taxation of towns throughout the country for many years to come. So heavy is the pressure, that it becomes a matter of momentous importance to initiate some plan by which a more just incidence may be secured, together with the re-arrangement of areas, and probably some additional aid from the national exchequer, so as to afford a measure of relief. It is an undoubted fact that the greater portion of the recent increase of rates has fallen upon the towns. The population has collected in certain localities, and of necessity this has entailed a large outlay for sanitary purposes, which item first made its appearance in 1851, has continued to the present time, and must always remain a cause of heavy expenditure, and I fear will for some years be *unremunerative.* It appears that of the increased eight millions of rates, two millions are due to poor-law expenses, and five millions to sanitary or district expenses. And this increase has fallen in the proportion of five millions on the towns, one million on the rural districts, and two millions on poor-law unions, partly rural and partly urban.

Having thus taken a hasty glance at the general aspect of the question, it becomes necessary for us to consider the question of incidence.

The broad contention of those who are satisfied with our present system of local rating I take to be the following,—that real property having borne the burden hitherto, having in many cases been bought subject to this burden, and (as it is maintained) being relieved from taxes of other kinds,—it and

it alone should continue to be the basis on which our local taxation rests. Moreover, it is urged that the value of real property has increased, that new property has been created in the form of houses,* railways, &c., and that the rates are really not more oppressive than formerly, particularly when the increased and increasing value of land is considered.

I shall concern myself, in the remarks I am about to make, chiefly with the state of the case as regards town populations, and it will be admitted by all that town rates are very much heavier than rural ones, and show a steady tendency towards increase. Taking Norwich as an example, I find, as regards excess, that while the average poor rate of England and Wales for the year ended Lady-day, 1872, was 2*s.* 5*d.* in the £, the rate in Norwich was 4*s.* 6*d.*; and that while in 1868 the average of all rates was 3*s.* 4*d.* in the £, the total in Norwich was 7*s.* 2*d.* Then as regards increase, that while the total charge in the £ for all Norwich rates in 1851 was 5*s.* 7¾*d.*, it was 6*s.* 1¾*d.* in 1871; and this, notwithstanding an important decrease in the poor rate, owing to better administration under a new local act. During the last two years this ratio of increase has been quite distanced by the heavy impost rendered necessary to provide for the execution of the new sewage works. Neither the excess, nor the large rate of increase, are peculiar to Norwich; it is true the sewage works which have been constructed here have cost an enormous sum, on account of their experimental nature, and the unexpected difficulties which had to be encountered; but the towns generally are being compelled to adopt some plan for the disposal of their sewage, and all the modes hitherto devised have been costly, causing considerable additions to the rates.

Taking then the indisputable fact of the higher rates which towns are called upon to bear, there is something *prima facie* unjust in the way in which they are apportioned, unless it can be shown either that the towns have an exceptional ability to bear the burden, or gain exceptional advantages in return. I admit that there is an apparent ability in urban populations to bear their heavy rates. Trade, commercial enterprise, and numbers centre in our larger towns; in them you find the banker, or at least the banking establishment, the merchant, the manufacturer, and prosperous professional man, and in some the Stock

* The *Builder* says: "We have built in England and Wales, in the way of dwelling-houses alone, upwards of 1,000 millions' worth of property, roughly speaking, since the year 1801; and within the ten years only between 1861 and 1871 we have built dwelling-houses to the value of more than 220,000,000*l.* sterling."

Exchange, where transactions of enormous amount are daily carried on. The income-tax returns, assessed taxes account, &c., show that the wealth is there. But when the question comes, how do you get at this wealth for local taxes? the reply must be that every test of ability is ignored except the single one of rental, and it is my object to show that this is a fallacious one. Apart from the question of the relative shares of taxation to be borne by houses and lands, there presses upon our attention the consideration that the incidence is entirely upon one description of property, and this means a heavy burden upon industry. The income derived from real property has been variously estimated at from one-third to one-seventh of the total income of the nation, and it has been said that upon this small proportion the whole burden of local taxation falls. These estimates have been disputed; and I am not prepared to insist on details, but it is an unquestioned fact that the income from personalty, entirely untouched for local purposes, is greatly in excess of that from real property.

It is, I know, contended by some that local rates do not press on the owners of real property, but that in the case of houses the rates are paid by the occupier; and that as to business premises the tradesman recoups himself from his customer. Without entering at the moment into this question, it is sufficient to observe that, as a general rule (with the exception of some parts of London and a few other towns, built on leasehold property), owners and occupiers, as well as tradesmen and consumers, reside together, and the whole community feels the infliction. The proportion in which the occupier and owner bear the burden does not, therefore, for my argument, enter into the account—they live mainly together, and if the taxes are unduly heavy they all suffer. The real fact is, however, that taxes press on both owner and occupier, though the latter feels the charge the more keenly, for, to use the words of an able writer, "Taxes have a tendency to remain with those on whom they are primarily imposed; or in other words, an ulterior effort must be made by those who have already paid them to shift them on to others;" * an effort which, I must add, is by no means always successful.

The struggling tradesman, to whom large business premises may be a necessity, has to pay heavily; while a professional man or capitalist, whose offices or business occupation may be comparatively small, pays a proportionately small

* *British Quarterly Review*, Jan. 1873, art. vii., "Local Taxation," p. 202.

amount, although he earns a larger income; and a man who has realized a fortune, which is invested in personal estate, escapes with a fractional payment, because his requirements are limited to a private residence. This, surely, cannot be just. With reference to poor rates, the principle asserted in the Act of Elizabeth was, to charge a man *according to his ability to pay*, and our object is to devise a plan by which this principle may be adapted to the circumstances of the present time. It is true that some rates exist mainly for the benefit of real property, and it is just that real estate should bear that burden, but this is by no means true of all the rates, and I am of opinion that before the incidence can be properly adjusted personalty must in some way be made liable.

It may be thought that, to do this effectually, as was suggested in the evidence appended to the Liverpool report, it will be necessary to adopt, at least in part, the machinery of the income tax. In the present state of public feeling it may be safely predicted that the income tax will be materially modified, and I think if it were made to contribute in aid of local taxes the opposition to it would be considerably abated.

To revert then to the question, "Should rental be the test of ability to pay local rates?" My emphatic answer is, it is not fair in principle, and it is most unsatisfactory in its working.

This will be best illustrated by some examples, not of exceptional cases, but such as occur in every town in the kingdom. A is a tradesman occupying shop and premises at 250*l.* per annum, but in addition to this rent the local tax-gatherer requires another 70*l.* or 80*l.* B is his customer, but he happens to be a private gentleman, and occupies a house of 50*l.* per annum. His net income is perhaps just the same as that of the tradesman, but he pays simply on his 50*l.* rental, or one-fifth of A's amount. He may even have a much larger income which it may be his taste or policy to invest in pictures or plate; he will then require even more of police service for watching his valuable portable property than the tradesman, and although his pictures may have a constantly increasing value, eventually yielding a large profit on original outlay, he contributes nothing on their account to local taxation. C we will call a capitalist or financial agent, or stock-broker, who can conduct his business in a small room, and if he have a sufficient business to require offices of 50*l.* per annum you may generally assume that he has an income vastly in excess of the tradesman rated at 250*l.* D we will call a banker, and if the rateable value of his premises be 500*l.* per annum

you may be sure his is a large business, and a profitable one too. E is a merchant, often having very little stock requiring any premises for stowage, but if he does require it, with premises at 500*l.* a year rental, still with an income far inferior to his banker; nevertheless he contributes just the same to local rates. F is a manufacturer requiring large factories and heavy motive power or machinery fixed to the freehold; if so, the local authorities do not forget him, and he has to pay possibly four or five times as much as the banker or merchant.

Philosophers or political economists will perhaps say, "This is all delusion and nonsense; it is not the manufacturer or tradesman who pays, he is simply the medium of collection; it is his customer who pays, and if you tax the professional man and capitalist in local rates you would have to pay it back, as they would simply charge it in some shape to their clients and customers."

It may be very logical to argue that rates fall on the consumer, but practical experience, I think, shows that the burden has a tendency to stop where first imposed; and at all events I am entitled to ask whether this roundabout way of collection is the most economical, or whether the amount of a man's rent is the fairest test of ability to pay.

Let us now consider the question of area.

So far as the towns are concerned, we see that a considerable part of the poor rate fairly belonging to contiguous land is borne by house property in the towns themselves. Very generally the parishes of a large town are formed into a union, for the purposes of poor relief, and this union becomes liable to poor-rate charges in respect of the sickness, disability, and, I believe, to an appreciable extent, of the lunacy of persons employed on these lands, but resident in the towns. This fact furnishes a strong plea for the enlargement of the area for taxation of towns, and it may be considerably strengthened by the further consideration that the value of land is very greatly and continuously increased by contiguity to a large town. It may, then, legitimately be expected to bear a portion of the burden necessary to the existence of the town which contributes so largely to the increase of its value.

There have not been wanting advocates for the enlargement of area, so far as poor rates are concerned, to the extent of making it national; but taking poor-rate expenditure as a whole, I think it has been conclusively shown that such an extension would be undesirable, because it would open the door to considerably increased, not to say extravagant, local

expenditure of imperial funds; although I am strongly of opinion that the permanent poor, by which I mean those who, from age or physical disability, must always be recipients of relief, should be maintained from the national exchequer. Nor do I see that there can be any reason why the charge for pauper lunatics should not be met in the same way. In both cases it is unjust to make a local charge of an outlay which is necessitated by no clearly definable local circumstances, and for which the whole nation is as responsible as for any other branch of national expenditure.

Having mentioned the subject of imperial aid, I may remark, it appears to me that the vaccination and registration is of a national character; and that the expenditure for police should be a national charge to a much larger extent than is recognized by the present Treasury repayments. I cannot understand why real property should be called upon to bear the bulk of the latter charge, for houses and land do not in themselves invite the depredations of thieves, whilst personal property does; nor do they incite to the perpetration of offences against the person. The police item should, then, be contributed in whole or in greater part from the national exchequer, due care being taken, by efficient auditing and inspection, to secure an economical administration.

To these may be added the prospective expenditure under the Education Act. I do not wish to raise any debateable question in this section with reference to the principle of the Act, and whatever old-fashioned views I may hold of Government education in the abstract this is not the place to discuss them.

I may, however, remark that the effect, or at least the tendency, of better education amongst the people will be to increase the cost of manual or unskilled labour, and to diminish that of skilled labour, particularly such as that of clerks and shopmen. A moment's reflection will show this, for in a few years we shall have a much smaller proportion of workers who, from want of education, are compelled to accept manual or monotonous labour, while on the other hand we shall have a largely increased number of those whose education will enable them to perform the less laborious kinds of work which now command higher pay. I am not complaining of this for a single moment, as it is for the good of the country at large, but I have a right to say that what is for the good of the country at large should be borne by it as a whole, and not by a part, as it obviously is when any material portion is raised from local taxation in the present mode.

Instead, however, of a direct contribution from the national exchequer, there is an alternative mode of relief for local taxpayers, viz., the transfer to the local authorities of those imperial taxes which are mainly local in their character, such as the assessed taxes and house duty. There is, I think, much to be said in favour of this, and it has the advantage not merely of relieving local burdens, but also of being in its nature such as would naturally come under local cognizance.

Another aspect of local taxation in this connection is that which is very disagreeably forced upon our attention in Norwich by the central authority, which seeks to compel us to build a large and costly lunatic asylum, in lieu of one which, as we prove by results, is suited to our requirements and not lacking in that which is needful for the efficient treatment of the inmates. In such a case as this, where central authority seeks to direct the expenditure of local taxes, it may in all fairness be required to contribute a portion of the funds; and if that were a condition we should hear less of the proceedings of lunacy commissioners. In the matter of police administration this principle is admitted and acted upon; we have inspection and control by a central authority and an imperial contribution contingent upon efficiency.

Let us now briefly consider the question of administration. It may be remarked that one effect of charging all rates upon occupiers has been to diminish, in some cases almost to extinguish, the interest of the owner in questions concerning local administration and government. Without discussing the justice of Mr. Goschen's proposal to divide the rates directly between the owner and occupier, it has the recommendation that it would awaken the active interest of both parties in the local expenditure, so as to secure the advantages of the leisure and education of a higher class in the administration of local finance.

The question of local administration has received considerable attention from Mr. Rathbone, the member for Liverpool, and in the course of his investigations he examined the system in force in Holland, which has some features of great excellence, into the details of which I cannot now enter.*

The cost of the maintenance of the poor is a very serious item; and respecting the administration of the poor-law in other countries, much important information is found in a work published under the care of Mr. Eastwick, M.P. for

* A concise view of the plan is presented in a pamphlet entitled "Local Government in Holland," published by Roworth and Sons.

Falmouth, entitled, "Poor Relief in Different Parts of Europe;" being a series of essays translated from the German, containing the most complete information that has yet been comprised in so small a compass. Mention is made there of a system adopted at Elberfeld, a manufacturing town in Prussia, which appears to have accomplished all that human ingenuity can do in the relief of poverty and distress, and at the same time to have fostered the spirit of thrift and independence among the people.

In our own country an example of a low rate of pauperism came under the notice of Mr. Doyle, which he comments upon in the last report of the Local Government Board. It appears that in four unions in the county of Brecknock the rate in 1872 was 1*s.* 2¼*d.* in the pound, and the rate of pauperism to the population was fifty-six per thousand; whereas, in four unions in the county of Shropshire the rate was only 4⅞*d.* in the pound, and the percentage of pauperism to the population was twenty-seven per thousand. This shows a remarkable disproportion in the pauperism and expenditure. Mr. Doyle is unable to account for it by any difference in the condition of the two localities, but I presume it must be due to better administration of relief. Could, however, the circumstances be thoroughly ascertained, and should they be found to be applicable throughout the kingdom, a vast saving would be effected, and we should apparently have arrived at the perfection of poor-law relief.

The desirability of consolidating local rates has frequently been insisted on, and I coincide with that view, for the saving in the cost of collection would be considerable. Moreover, the total of local taxation being periodically brought under the ratepayers' notice, would not only dissipate the vague notions often entertained about the amount imposed, but would elicit, in a definite shape, a considerable degree of special interest which would be devoted to intelligent criticism, with a view to better administration. This plan might be so shaped that a uniform mode of assessment and system of accounts should be adopted, and we should then have at our command accurate data for comparison and legislation, as we now have in the details of our national finance.

Here I may remark that the tables which have been placed in your hands have been prepared in order to furnish some data for the discussion of the items which go to make up the total of our local receipts and expenditure, and I shall be glad if they are found useful for that purpose. Where practicable, the rate in the pound has been shown; but my investiga-

tions have led me to the conviction that the diverse modes of assessment used in various districts make it desirable to calculate the rate per head of the population, and you will find that this has accordingly been done.

The conclusions at which I arrive, as you will have gathered from my remarks, are these:—

That some plan should be devised to secure an equitable incidence of local taxation between real estate and personalty, so as to relieve the present excessive charge upon industry.

That in relation to poor rates, at least, there should be an enlargement of the area of urban unions.

That the national exchequer should be made largely, if not wholly, responsible for the support of the permanent poor and pauper lunatics; for the maintenance of the police and the administration of justice; for vaccination and registration charges; and for the expenditure under the Education Act.

That the administration of local affairs should be left to local authorities, maintaining the well-established principle that taxation and representation should go hand in hand; but that the whole system should undergo revision, with a view to the establishment of a single rating authority in each area.

That the interference of a central authority should be permitted only to prevent local authorities from doing or permitting anything injurious to the neighbourhood, as in the case of sewage nuisances; or to secure the execution of such national laws as the Education Act; or where any branch of expenditure is subsidized from imperial taxation, such as the maintenance of police and the administration of justice.

The budget night in the House of Commons has ever been looked forward to with interest, and the discussions on imperial finance have been productive of much good. The facts relating to it have not been suffered to lie buried in blue books, but have been brought to the light of day, and thus weak places or extravagances have been exposed in free and open debate. I cannot but think the country is far too ignorant on the subject of local finance, and that discussions might be carried on respecting it, of much more interest and importance than many which now occupy the House of Commons. The reports of the newly constituted Local Government Board, of which two have been issued, are doubtless of great value; but a public and authoritative statement of the salient facts of local finance,

and a discussion respecting them, would be of still greater value. It would give the opportunity for pointing out with impartiality the districts where rates are well managed, and where they are ill managed—where the burdens press lightly or heavily—comparisons which must be productive of good results.

In conclusion, allow me to meet one objection which is sometimes urged against the views I have advocated. It is said that to ask aid from the imperial treasury is to ignore the advantages of local self-government. I venture to say that I value most highly the freest exercise of the power of a community to tax itself, and to govern itself too; and if this were once conceded, and the incidence and area defined fairly, both for towns and their neighbourhoods, and for counties, our demand would be met. The hardship consists in this, that self-government is a name and not a reality. We are not allowed to assess taxes for local purposes, according to ability, but must simply charge them on certain descriptions of property. The imperial tax-collector gets at the wealth of all, but for local purposes we are allowed to touch only a particular kind of wealth; and until this injustice is abolished I see no adequate reply to our request for help from imperial funds.

I have put forward views which I know are liable to criticism by some whose judgment I highly respect. Whether they are sound time only can prove, but I trust in the discussion both here and elsewhere the subject will be elevated to some higher region than that of class or party. If those of us who desire alteration in the incidence of local taxation are deluded by any fallacious theories of our own, there are statesmen and writers engaged in the consideration of this question able to expose and confute them. But if, on the other hand, the grievances of which we complain be real and pressing, I hope they will be frankly recognized.

I do not think so ill of any class of my countrymen as to suspect that they desire either to impose or leave burdens which belong to themselves on others less able to bear them. When it is demonstrated beyond the possibility of doubt that taxes which are for the general good of all the population are paid only by a part, or which are required for the protection of all property are levied only on a portion of it, I think a clear case of hardship has been shown. This is what we endeavour to remedy, and when the mists which so often cloud the vision in our political struggles have cleared away, I believe a solution may be found which will be fair and equitable, and which will not leave in any man a sense of injustice or wrong.

On the Same. By R. DUDLEY BAXTER, M.A.

WE are met to consider the present system of Local Government and Taxation in England and Wales. It is in a most unsatisfactory condition. It has been officially described by the Minister in whose charge it was placed as "a chaos as regards authorities, a chaos as regards rates, and a worse chaos than all as regards areas." Such a description is the best proof of the necessity for an immediate reform. But public opinion goes further than the Minister, and complains not only of the chaos, but of the burden, and uses language with which Mr. Goschen seems disinclined to agree, resembling the wording of a celebrated motion of a hundred years ago, "that the rates have increased, are increasing, and ought to be diminished." To understand the chaos and increase of burden, we must go back into the history of our local institutions, and examine the manner in which they grew into their present anomalous shape.

From the sixteenth century to a very recent period the principal unit of local government and taxation was the parish or township. The vestry was its Parliament, and the overseers and churchwardens its temporal and ecclesiastical officers. The distressed poor were originally maintained by ecclesiastical revenues and voluntary contributions collected and administered by the Church. But as voluntary efforts proved inadequate to cope with the terrible evil of mendicancy, the Poor Law Act of Elizabeth was passed in 1601, ordering rates to be made in every parish for the support of the poor. The relief was moderate in amount, and in case of able-bodied men was only granted in return for work, and not as a supplement for wages. It was distributed by the overseers under the superintendence of the justices. The total amount was comparatively small, being returned in A.D. 1700 at 700,000*l.*, and in 1750 at a very similar figure.

With the end of the American war, in 1782, came a disastrous change of system. The war led to a rise of prices, and the rise of prices to a necessity for a rise in wages. But instead of leaving things to take their natural course, the Government and the country concurred in a very mistaken policy—that of supplementing wages out of rates. An Act, called Gilbert's Act, was passed in 1782, authorising the adoption of out-door relief, which was extended by later Acts in 1796 and 1815. In consequence of this system, and the immense rise during the American and French wars in the prices of corn and all the necessaries of life—corn going up to

70*s.*, 80*s.*, 90*s.*, and even 112*s.*, a quarter—the poor-rate increased, quite out of proportion to the increase of population, from 700,000*l.* in 1750, to 2,000,000*l.* in 1785, then to 4,000,000*l.* in 1803, to eight and a half millions in 1814, and even to 9,300,000*l.* in 1818, or more than fourfold in thirty-three years.

With the decline of prices after the peace the poor-rate decreased till it reached 6,800,000*l.* in 1824. But then the pernicious effects of the system became apparent in a wide-spread pauperisation of the labouring classes, and the steady increase of the rates. The disease grew like a canker. Measured by the price of corn and the numbers of the population, the rates became far heavier than they had been during the worst periods of the war. The practice of supplementing wages became universal. Independent labourers could not get work till the paupers were provided for. Instances are given in official reports of labouring men who had acquired property being unable to obtain employment till they had exhausted their means and came upon the parish. One parish went out of cultivation through the pressure of its burdens. The poor-rates, in numbers of southern parishes, amounted to 30*s.* per head (more than four times their present average), and in whole counties averaged 15*s.* to 17*s.* per head of the population. Habits of thrift and industry and all feelings of independence were destroyed in the labourers. The bastardy laws rendered a family of illegitimate children a valuable source of income from the poor-rates. Boys and girls married and went straight into the poor-house. The paupers were maintained in greater luxury than the poorer ratepayers. There was no proper supervision of accounts, and overseers made fortunes out of the distribution of relief and from the supply of food and clothing to the paupers. As a natural consequence the ratepayers were weighed down with the burden, and the nation seemed approaching a period of social disorganisation and ruin.

I extract a few instances from reports to the Poor Law Commissioners. A report in 1835 stated: "In Wiltshire the average cost per head is 16*s.* 7*d.*, and peculation and bad management show themselves; whilst in Suffolk, where the poor-rates are enormously heavy (in some parishes 40*s.* per head, and in whole districts averaging near 30*s.* per head on the population), every species of trickery is developed. In some of the hundreds the entire Poor Law management is based in fraud and supported by perjury and deception." (Report 1835, p. 169.)

From Oxfordshire it was reported: "In the parish of Ramsden the poor-rate exceeded 25*s.* per cultivated acre; at Aston and Cote it was 24*s.* per acre. The parish of Northmoor had 360 inhabitants; the average expenditure was nearly 1,200*l.* per annum. In the parish of Sydenham poor-rates absorbed 427*l.* out of a rental of 645*l.* of one property. The farmers said, 'We cannot afford to employ labourers: all our means are eaten up and absorbed by the poor-rate.'" (P. 182.)

From Bedfordshire the return was: "Pauperism had nearly crushed the tenantry and swamped the landlord, to such a state of things was this neighbourhood fast hasting." (Report 1836, p. 292.)

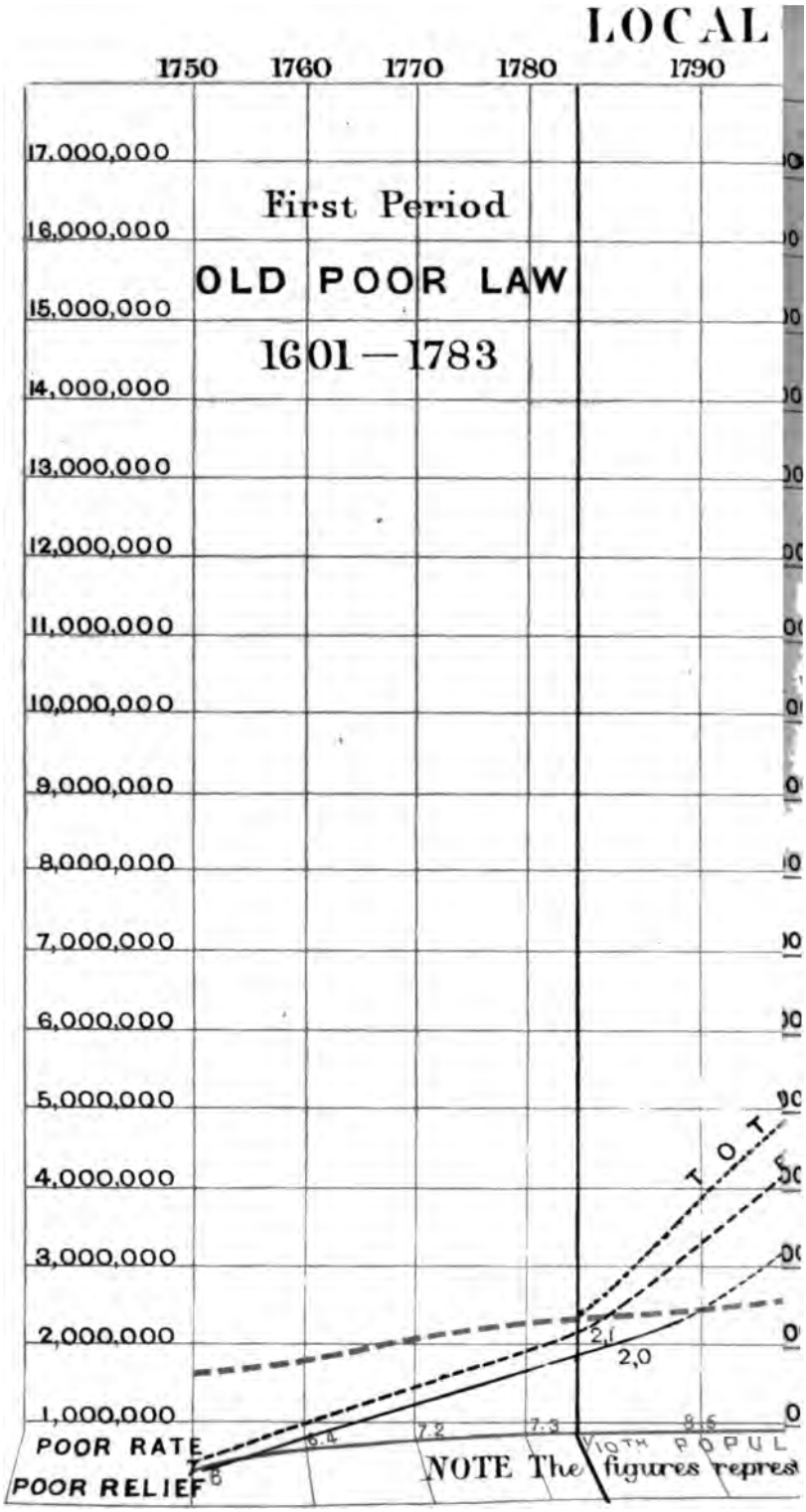
In Westmoreland and Cumberland, two of the northern and less pauperised counties: "Rents have been universally allowed, and the policy of payment of them pertinaciously upheld, and relief is conceded almost without enquiry." (Report 1837, p. 31.)

In North Wales the payment of rents out of rates was nearly universal. In many parishes it extended to nearly all the married labourers. (P. 33.)

In the report from Kent it was stated: "In the district of Herne Bay the abuses of the old Poor Law had arrived at such a pitch that it was threatened with immediate ruin. One farm of 1,000 acres would have been thrown out of cultivation in another year; the neighbouring farmers were in an equally bad state; and in fact all rent, employment, and wages were on the point of annihilation, when the new Poor Law passed just in time to avert the consummation of the evil." (Report 1838, p. 216.)

Mr. Twisleton's report gives this general character of the system: "Subsequently to 1795 the English Poor Law respecting able-bodied persons appears to have included all the main defects which it is desirable to avoid in a poor law for that class. There was a vicious organisation of the body which was to distribute relief, the relief was distributed on a vicious principle, and the organisation of the power of control was likewise vicious. It required perhaps the combination of all these defects to produce the mass of abuses which afterwards came into existence."

Stronger than all was the speech of Lord Chancellor Brougham, introducing the Poor Law Amendment Bill, on behalf of the Whig Ministry, into the House of Lords: "Evils the extent of which no tongue can adequately describe; evils which bad laws, worse executed—which the lawgiver outstripped in his pernicious course by the adminis-


LOCAL
1750
1760
1770
1780
1790
17,000,000
16,000,000
15,000,000
14,000,000
13,000,000
12,000,000
11,000,000
10,000,000
9,000,000
8,000,000
7,000,000
6,000,000
5,000,000
4,000,000
3,000,000
2,000,000
1,000,000
First Period
OLD POOR LAW
1601—1783
TOT
2,1
2,0
6.4
7.2
7.3
8.5
POOR RATE
POOR RELIEF
NOTE The figures repres

ors—have entailed upon the country, which bid fair to e nothing of the property of the country that can be held . . . and which have brought about a state of things which we behold industry stripped of its rights, and the s of idleness, vice, and profligacy usurping its lawful place; perty and industry no longer safe; and the destruction of property, as the issue of the system that stares us, and at no at distance, in the face." (Hansard, 3rd series, vol. xxv. 213.)

Lord Althorpe was not less emphatic, as Ministerial eader of the House of Commons. Such was the Poor Law om 1782 and 1796 to 1834, and the excessive and abnormal xpenditure and demoralisation that it produced. The Poor Law Commissioners recommended and Parliament passed the New Poor Law Act in 1834, which abolished out-door relief to the able-bodied, insisted on the workhouse test, and introduced a thorough system of supervision and accounts. The reform was so successful that in three years the poor-rates dropped from 8,300,000*l.* in 1834 to 5,300,000*l.* in 1837, or a saving of 36 per cent. The following list shows some of the county reductions:—

Poor Rate per head of Population.

	1834			1837	
	s.	*d.*		*s.*	*d.*
Sussex . . .	18	1	to	8	7
Bedford . . .	16	4	„	8	0
Bucks . . .	16	11	„	8	8
Northampton . .	15	8	„	8	3
Suffolk . . .	16	7	„	9	3

(Purdy on "English Poor Rate," p. 307.)

The average result for England and Wales was a decline from 9*s.* 1*d.* to 5*s.* 10*d.* per head. So enormous a reduction showed clearly that the previous scale of expenditure had been a monstrous oppression on the ratepayer.

Since 1837 the poor-rates have gradually risen from 5,300,000*l.* to 6,000,000*l.* in 1840; to 7,000,000*l.* in 1843; to 8,000,000*l.* in 1856; to 9,000,000*l.* in 1863; to 10,000,000*l.* in 1868; and to 11,500,000*l.* in 1872.

The diagram prefixed to these pages shows the variations that I have been describing; the low level of poor-rates in 1750; the rapid rise from 1782 to an extravagant height in 1813, and again in 1817-18; the fall and then the subsequent rise to 1827 and 1834; the sudden drop from 1834 to 1837, and the subsequent gradual upward movement to the present time.

The line of rateable value, which is on a scale correspond-

ing to a rate of 2*s.* in the pound, shows how immensely the actual rates rose above that level from 1782 to 1834.

If you will now look back on that diagram over the century and a half that we have traversed, you will see that it is divided into four distinct periods—

1. *The old Poor Law period,* from the reign of Elizabeth to 1782, when relief was only given to the impotent, and the rates were comparatively small.
2. *The Out-door Relief period,* from 1782 to 1834, when the system of out-door relief of the able-bodied, and supplementing wages, together with other great abuses, raised the rates to an extravagant height.
3. *The New Local Government period,* from 1834 to 1862, when the workhouse test was insisted on, and out-door relief almost abolished, by which the rates were reduced 40 per cent.
4. *The Assessment Reform period,* in which the process of consolidation began and inequalities of rates and under-assessments were corrected.

II.

Hitherto I have principally described the rise and fall of the poor-rates, but the two later periods were also remarkable for a great revolution in local government. With the Reform Bill of 1832 the old order of things came to an end, and a totally new *régime* began. The old paternal government of squire and overseer administering the distribution of relief on benevolent but mistaken principles of political economy, without any of the modern means of health and locomotion and police, was terminated. In its place sprang up an active system of local self-government by representative institutions, applying all the new ideas of relief of the poor, and the necessity of improved roads and drainage, and lighting and police, and of education and sanitary reform. But, according to the usual habit of the Anglo-Saxon mind, each of these objects was pursued independently, by the creation of a new jurisdiction and governing body, regardless of all existing institutions. The spirit of generalisation and consolidation, so remarkable in some of the Latin races, seems very deficient in the English race. Foreign States adopt new constitutions and forms of government one after another, but one at a time. In England we establish new local governments, four or five simultaneously. Let me point out what these new governments were:—

1. *The old Petty Sessional Division* still survives, in which the magistrates levy County Rate for County and Police objects.
2. *The New Poor Law of* 1834 dealt with the poor, dividing the country into unions of parishes, with boards of guardians elected by the ratepayers, upon a scale of multiple voting, with one vote for every 50*l.* rating up to six votes.
3. *Local* improvements in lighting, watching, drainage, &c., were dealt with by a series of Acts, authorising the formation of towns and villages into districts.

   First came the Lighting and Watching Act of 1835, under which many districts were formed.

   Second, a number of independent Town Improvement Acts.

   Third, the Public Health Act of 1848, under which several districts were organised, with larger powers.

   Fourth, the Local Government Act of 1858, with still ample powers, under which a great number of districts are existing. The two latter Acts provided constituencies of ratepayers, with multiple votes, something like those of the Poor Law, but in each case with differences which would prevent amalgamation.
4. *Highways* were dealt with in 1805, by an Act giving permissive power to the quarter sessions to adopt its provisions and create districts with highway boards. The districts would not necessarily or usually coincide with any existing territorial division, and their governing bodies and constituencies differed from all those already in existence for other purposes. This Act has been adopted over about half England, leaving the highways of the other half subject to petty sessional management. South Wales possesses a highway system and a subsequent Highway Act of its own.
5. *Education* has been dealt with by the Education Act, authorising the formation of school boards in towns and districts. This again has been adopted by a certain number of isolated districts.

   I pass over burial board districts, as almost too small for notice.
6. *Sanitary improvement* was the last dealt with by an Act of 1872, which introduces sanitary districts nearly, but not necessarily, coincident with unions.
7. *Sewer Commissions* stiil exist in some low-lying dis-

tricts, governed by commissioners appointed by the Crown.

Thus in a county, outside a borough, there are commonly the following simultaneous divisions and jurisdictions:—

1. Petty Sessional Divisions.
2. Poor Law Unions.
3. Local Government Districts.
4. Highway Boards.

Besides in many cases

5. School Boards and Districts.
6. Sanitary Districts.
7. Commissions of Sewers.

Nor is the evil confined to multiplication of territorial divisions. Each of these divisions (as a general rule) carries with it

A separate governing body.
A separate constituency with different qualification.
Separate officers.
A separate assessment of property.
Separate rates.

There is a wonderful conflict of areas. For instance, there is the Union Area. But the union does not usually coincide either with the county or the borough. Out of 650 unions 200 are within more than one county, and scarcely any coincide with a borough. The Petty Sessional Division is distinct from the union, and the Highway District is different from either. Even the Sanitary Area, the latest project of legislative wisdom, does not exactly correspond with any other area, so that we have all the areas overlapping and interlacing each other in every possible manner.

But simultaneously with the creation of the later local jurisdictions came the movement of consolidation and equalisation in the *Assessment Reform Period*, which dates from 1862. Previous to that year, the standard of rateable value had been very much below the real net value of property, and most unequal in different localities. It varied from 10 to 15 per cent., to 30 and even 50 and 70 per cent. under the real value, so that the nominal rateable value afforded no measure of the property of the country. In some places the assessment had not been altered since the beginning of the century. The Union Assessment Act was passed in 1862 to

remedy these evils. The result was that in three years, from 1863 to 1867, the total rateable value of England and Wales went up from 76,000,000*l.* to 90,000,000*l.*, and has continued ever since to increase much more rapidly than before the Act. It is important to bear in mind this rise in the standard of value, when comparing the rateable value in any of the later with the earlier years. Part of the large increase is apparent and not real, and must be allowed for in order to arrive at a just conclusion about the comparative increase of rates and property.

In the meantime we have the fact that the rates, as well as the rateable value, have increased enormously since 1837. The Poor Law alone increased from 5,300,000*l.* in 1837 to 10,400,000*l.* in 1868, besides new rates in the towns, amounting to more than 5,000,000*l.*, which, with some other rural rates, brought up the total of that year to 16,223,000*l.* The rateable value had increased from 62,500,000*l.* in 1841 (an amount which was very much below the real value) to 100,000,000*l.* in 1868. Thus, while the total rateable value had apparently increased more than 40 per cent., the total rates had more than doubled. Such an increase naturally caused great discontent among ratepayers, and led to an agitation for local taxation reform.

III.

As a preparation for legislation, Mr. Goschen published in 1870 his Report on the Increase of Local Taxation. It contains in its appendixes a great mass of statistics respecting English and Continental taxation, both imperial and local, which will long be valuable for reference. Its opening pages present a very able analysis and summary of the different heads of urban and rural, and new and old rates, composing in 1868 a total of sixteen millions sterling of the local taxation of England and Wales. But when Mr. Goschen comes to compare these rates with the rates of former periods, and with foreign taxation, he falls into an extraordinary series of fallacies, which lead him into very erroneous conclusions.

His first inquiry is whether the burden of rates has increased in a greater degree than the value of property. But here he makes the mistake of selecting as the period of comparison the period of extravagant and abnormal expenditure of the old Poor Law from 1803 to 1834, instead of the fair and normal period of the first reformed rates, from 1837 to 1841. He says: "You landowners and householders have no

right to complain of the rates in 1868, because your fathers in the great French war, and the days of indiscriminate out-door relief, paid heavier duties in the pound than you do now." But the argument is absurd. If a parish paid 30*s.* a head poor relief in 1834, through a system of wastefulness and malversation, instead of the present average of 7*s.* per head, is that any reason for saying to one of its ratepayers, "You have no right to complain of the poor rate until it exceeds 30*s.* per head?" By this mistake about the period of comparison, Mr. Goschen comes to a mistaken conclusion, namely, that the present burdens on land are not heavier than its old and legitimate hereditary burdens.

But when the progress of rates is carefully looked into, the figures come out clear that both for land and houses the burdens of rates have increased materially, both in total amount and in the rates in the pound, since the normal period of fair comparison, namely the first years after the reform of 1834.

Mr. Goschen has made another mistake in overlooking altogether the rise in the standard of rateable value since the Union Assessment Act of 1862. He argues that when the rates are no more in the pound in 1868 than they were in 1825 or 1838, there has been no increase in the real burden. But he forgets that the screwing up of the assessment has made a great increase of the burden, with the same nominal rate, and so increased the nominal increase of burden spoken of in the last paragraph.

In marshalling the figures and drawing conclusions about the total imperial and local taxation of England and Wales, Mr. Goschen falls into equally important errors. In one set of tables he includes railways, canals, and similar undertakings, under the head of Real Property, and computes their local taxes. In another set of tables he excludes railways, canals, and similar property, and computes their Imperial taxes. Then he joins both tables together, and obtains a total of imperial and local taxes, which is not the total for either definition of real property. Such faulty statistics are useless for any accurate comparisons.

After these errors of commission comes a serious error of omission. Having told us what is the total taxation on real property, he ought to have gone on and told us what is the taxation on personal property and incomes, for comparison with that on real property. But here he follows the well-known example of witnesses who give unwilling testimony. They commonly use in different forms one formula—that of *non mi recordo.* Mr. Goschen's form is, "*I cannot*

calculate." When we come to an account likely to work out to the advantage of the ratepayers we find that he says, "I cannot calculate it," and gets out of the difficulty by leaving it out altogether. But it is not at all impracticable to make the calculation, and when made the result comes out that while real property pays local and imperial taxes amounting to 12 per cent. on its income, personal property pays only Imperial taxes, amounting to 5 per cent. on its income, and personal or industrial incomes (paying income tax) pay only 3 per cent., in addition to the general taxes on expenditure, which are common to every kind of income. So that real property, including railways, canals, &c., pays a much heavier taxation than personalty and personal incomes.

Instead of such an investigation, Mr. Goschen goes into an elaborate comparison of the rates and taxes on real property in foreign countries with those on real property in England and Wales, and comes to the conclusion that real property in England and Wales is not so heavily taxed as in foreign countries. But he arrives at the result in a very erroneous way. He says English real property pays 30 per cent. of English total taxation, while Belgian real property pays 32 per cent. and French real property nearly 29 per cent. of their total taxations; and therefore that English real property is less heavily taxed than Belgian, and very little more heavily taxed than French. But this is all wrong, and false in logic, because Mr. Goschen does not inform us what proportion real property forms of the total property in each of these countries. If English real property is a much smaller proportion of the total English property than French real property of total French property (as is really the case), equally burdened English real property must of course pay a smaller proportion of total taxation; and conversely, English real property that pays an equal proportion of total taxation must be more heavily burdened than French real property. So that Mr. Goschen's figures prove the exact converse of his conclusions.

These are the principal conclusions of Mr. Goschen's report, and their erroneousness makes the whole report worthless for legislative purposes. I am astonished that so eminent a statesman and financier as Mr. Goschen should have fallen into such a series of errors. The real facts are the reverse of what he has argued. Rates have materially increased, even on land, since the reform of the Poor Law. The taxation of real property is much heavier than the taxation of personalty and personal incomes, and heavier than in foreign countries. There is every reason to justify

the popular discontent at the increased burden of Rates, and to inquire whether any relief is possible.

IV.

What are the remedies for this unsatisfactory state of things?

We shall see the position of our local government more clearly by comparing it with the systems of other nations. The local divisions of the chief Continental countries are on a regular and symmetrical plan. In France, which may be taken as the type, the department is divided into arrondissements, the arrondissements into cantons, and the cantons into communes. The canton is only a judicial division. But the department has its own little parliament, the conseil departement presided over by the préfet; the arrondissement has its conseil d'arrondissement, presided over by the sous préfet; and the commune its conseil municipal, presided over by the mayor. The department, which corresponds to our county or division of a county, and the commune, which corresponds to our parish or township, are the principal units of local government. France suffers by so much being done through these municipal councils, which are necessarily composed of an inferior class of men. But there is no clashing of areas or of taxation. Each forms part of a graduated whole. The departmental council fixes the departmental taxes, which are divided between the arrondissements, and by them subdivided among the communes. The arrondissement settles any district taxation, and partitions it between the communes. The commune votes its own taxes for municipal objects, and collects them with the communal share of the departmental and arrondissement taxation.

In England, the old Anglo-Saxon local government had a similar triple character. The county had its own parliament, the shire meeting or county court, presided over by the sheriff. The county was divided into hundreds or wapentakes, with their monthly hundred meetings. The hundreds were divided into townships or parishes, with their vestries. But these old courts decreased in power, and the hundred meeting fell altogether into disuse. The place of the county court was gradually taken by the magistrates at quarter sessions, who in the 16th century were by successive enactments invested with the power of levying rates for bridges and sewers, and in later years with authority to impose the other portions of the present county rate, and to exercise important judicial func-

tions. The poor rate grew up after 1601 as a parochial rate, with a certain amount of magisterial supervision. Thus the quarter sessions and the parish were left the only units of local government. The district area and authority dropped out of use, until re-introduced by the institution of unions for a few parishes in 1723 and 1782.

But with the reform of local government in and after 1834 came a great development of the district system. It was found to work much better than the parochial system, in consequence of its greater consolidation, and the better class of men available for its management. Poor-law unions, petty sessional divisions, local government districts, highway districts, police districts, education districts, and sanitary districts were instituted one after another, causing a needless multiplication of district areas and authorities and taxes.

The remedy is clear if vested interests do not render it impracticable—viz., to consolidate all these districts into one set of divisions or districts, which should be subdivisions of the county, and themselves be subdivided into, or form aggregations of the parishes and townships. Local government would then be reduced into its old triple gradation, which the experience of olden time in our own country, and of the present time in Continental countries, shows to be the most symmetrical and practical system of management of local affairs.

But the consolidated district should be the chief unit of local government, and the district board should be the managing and taxing body in nearly all local matters. It would attract a superior class of men, and administer affairs in a much more enlightened and economical manner than the present redundancy of district authorities.

If vested interests prevent such a consolidation, we must still maintain the old clashing and multiple areas and authorities, and adopt Mr. Goschen's plan of making the parish the unit of local government, as the commune is in France, to levy the rates required by precept from the county and the various district authorities. But such a system would be a perpetuation of the chaotic state of local government in England, which provokes the derision of Continental observers; and would have the great disadvantage of frittering away the energies of those who are able to attend to local business, by the multiplication of boards and governing bodies; and of dividing local government among a multitude of insignificant men, instead of consolidating it in the hands of the most capable. The country gentlemen of England cannot surely be

willing to weaken themselves by its adoption. We require for each county or county division a threefold system :—

1. A County Board, composed of magistrates and elected representatives, to control county police, elections, and all purely county matters, and with a certain power of taxing for county and in aid of district purposes.
2. District Boards for the consolidated districts into which the county should be divided; the members of which should be elected half by the owners and half by the occupiers, each voting on their column of the rate book with multiple votes up to six, as is now the custom in almost all elections for unions and districts. These boards to manage and lay rates for all the before-mentioned district objects.
3. Vestries, for parishes, and for purely local matters and expenditure.

Thus we should have a uniform and logical system, with one set of constituencies, and governing bodies, and officials, and assessment roll and rates, and prevent a great waste of time and money and efficiency.

V.

As regards local taxation, the figures prove that since the reform that was completed in 1837, it has gradually but steadily increased, not only in total amount, but also in the average rate in the pound, both on land and houses. What would be said if this were the case with any other kind of income? Suppose that in a similar period of prosperity and general lightening of burdens, it were found that trade incomes under Schedule D were gradually encroached upon by taxes, which little by little increased, not only in aggregate amount, but also in their percentage upon each 100*l.* of income. Suppose also that there was a school of political economists ever watchful to claim this advanced percentage as a permanent burden. Would there not be a great outcry against the injustice of the continual increase, and a clamour for relief? But the injustice is the same when the increase is on real property.

The cause of the increase is simple. The advance of civilisation is constantly urging new improvements for the welfare and health of the population—police, drainage, better roads, education, and the like. We provide them all at the sole expense of real property, by levying fresh rates. One sort of property has to pay for the improvement of every sort of pro-

perty, and the comfort of the whole nation. Such a mode of taxation is illogical as well as unjust.

Some of the improvements scarcely affect real property at all. Police is much more for the defence of persons and personal property than of real property. Gaols are the same. Education is a great advantage to persons and trade, but benefits lands and houses in a very inferior degree. Lunatics have no connection with real property. These and similar charges are wrongly placed upon real property, and ought to be shifted to Imperial taxation.

Another class of rates are for local burdens that benefit real property, but also benefit other property and persons as well. Why should real property bear the whole expenditure? Such is the maintenance of highways, which are now kept up to a standard of personal comfort rather than of real property requirements. Such also are sanitary improvements, which benefit persons far more than lands and buildings. Such also is the relief of the poor, which is an ancient obligation upon all kinds of property for the prevention of offences against property generally. For all these burdens real property is entitled to ask contribution from personal property. It is already given to a small extent by the share of rates that falls on occupiers. But as this share is only in proportion to rent, which is seldom more than one-tenth of a man's income, it is evident that the contribution so given is very much smaller in proportion to income than the contribution of the real property itself. Contribution is made by special taxes on personalty in foreign countries, such as France, Belgium, and Holland. It may be made in England by the method proposed by Mr. Goschen of transferring to the local authorities part of the assessed taxes and house duty.

But another circumstance must also be taken into account —the long time that we have been accustomed to lay these burdens on real property. We cannot suddenly shift a large amount of taxation that has been gradually imposed during a long series of years without occasioning a disturbance of the relations between the two sorts of property and exciting discontent. Nothing is so difficult to transfer as a burden that has become habitual.

Such are the reforms that I would submit for your consideration. In local government the reorganisation of the county authority; and consolidation of district areas and boards and rates. In local taxation, measures, so far as equitable under all the circumstances, for transferring to Imperial taxes burdens that are properly Imperial; and of lessening burdens

by handing over to local purposes some of the most local Imperial taxes. Thus we might convert the present chaos of local authorities, and areas, and rates into a logical and well-ordered system, and lighten the burdens that now weigh so heavily upon the ratepayers of England.

On the Same. By R. H. INGLIS PALGRAVE, F.S.S.

AMONG the practical questions of the present day, one of the foremost is that of local taxation. Nor is this strange. For though the poor rate, the largest of our local burdens, weighs, taking all things into account, less heavily on the country than thirty years back, yet other rates have much increased.* Everyone is interested in considering whether his rates and taxes are likely to be greater or smaller than they have been. Very pleasant as it would be to express a hope that they might be expected to become less, yet truth compels me to admit that there are many causes at work likely rather to augment than to diminish the charge. There is a general tendency towards requiring local authorities to undertake new duties. Education, sanitary requirements, improvements of all descriptions, are continually called for. None of these things can be carried out without expense. What, then, is to be the hope of the ratepayer, anxious to see his burdens lightened? The answer of some is, increase the area of taxation, bring fresh subjects into the field. Make personal as well as real property liable to rates. Tax "means and substance" generally, as well as property in houses, buildings, and land. The first impression is that this would be a plausible, I might use a stronger term, a fair arrangement. Nothing seems, at first sight, more desirable than to levy taxes on the same principle for local as for Imperial purposes. But the moment the matter is looked into it is obvious that the plan

---

* The rate in the pound for poor relief *only* was, in the following years, respectively—

	s.	*d.*
1803	3	4½
1813–15	2	4¼
1827	2	5¾
1841	1	6¼
1856	1	8
1866	1	4½
1868	1	6

being a diminution of more than 50 per cent. since the beginning of the century.—*Economist*, April 26, 1873.

would never answer. Take the poor rates, for example. I will not speak now of the enormous increase which would certainly take place in them the moment that local responsibility for the expenditure was removed; but let us consider what the effect would be of levying them on personal as well as on real property, and we shall find that greater inequality would be the result. I have been at some pains to endeavour to calculate what the effect would be of levying the poor rate on the incomes of those persons who at present contribute to the income tax. For this is really what those persons desire who ask that personal property should contribute to the local rates. There is some difficulty in making even an approximate estimate of what the effect of such a measure would be, and the only reliable basis is one now something like ten years old; but as closely as I can calculate, if the poor rate had been charged for the city of Norwich on the basis of the income tax of that date, the additional income tax for this purpose alone would have amounted to nearly 1*s.* in the pound. We may well ask would this charge not have been found even more intolerable than the existing mode of levying the poor rates is now. There is no doubt that such an income tax would press far more unequally on the means of the population than that which now exists. It may be thought Norwich is an extreme case. But I can assure you it is not so by any means. At Yarmouth the charge would have been an income tax of 1*s.* 6*d.* in the pound, and at Lynn 1*s.* 5*d.* I made a similar calculation for every important town in England, and Norwich was only about half-way up the list. I may add that these calculations of mine were published in the *Economist* newspaper of May 3 of this year, and they show, I think conclusively, that to levy the local rates in this manner, I mean on the basis of an income tax, would be to levy them in a more unequal manner than the present mode. There are many other reasons against any considerable alteration in the mode of assessing the local taxes. Taxation, in the course of years, has a tendency to adjust itself to the shoulders of those who bear it. Property is bought and sold at a market value, one element in which is the knowledge that a certain taxation will be laid on it. If a sudden and violent alteration is made in the mode of assessing a tax, the holders of the property involved may, if the taxation is increased, find themselves mulcted of a sum they had not expected to pay. And they not unreasonably complain of this. Or, if a tax is lightened, they have had a present made to them of the increased value of their property.

They will not complain of this. People do not complain when a gift is made to them, and they do not always stop to think at whose expense the gift is made. In this last case it will be the part of the remainder of the community to complain. Since, therefore, the following conclusions are forced upon one: that local taxation is not likely to be less, and that the existing mode of levying the tax is likely to remain at present, at least in great part, as it is now: where is the taxpayer to look for a remedy for the evils of which he complains? There are many who recommend that a good handsome slice of local burdens should be charged to the general taxation of the country. When I hear this point argued, I am reminded sometimes of those familiar lines, well known through education to our infancy, well known too, by experience, to our maturer years, which warn us that we may change the side and keep the pain; and sometimes also of the story of the wise man who, having a heavy burden to carry, and being afraid that it would be too much for his horse to bear, hung the weight round his own neck and then mounted his charger, satisfied that by this arrangement, since he had increased his own load, he had eased that of his steed. The causes which lead to expense would remain the same whoever was the paymaster. Many motives for economy would be lost if that paymaster were the Government, and I believe that in many points the taxpayer would lose and not gain by the change. Besides, if Government made larger grants than it does now, it would insist, and most fairly insist, on knowing that the money it granted was properly expended. To do this on any large scale would require a considerable re-organization of our local systems. Should we like this? Should we like in England to see a Government officer in each county with powers analogous to those of the prefect of a department in France? I think decidedly not. Yet some arrangement like this would be needed if Government undertook a great share in the local administration. Still, though this change would not be desirable, there are many improvements which might be made. The number of local officials engaged in collecting, levying, and administering local rates is enormously large. The number was estimated in 1843 at not less than 100,000. [Report of the Poor Law Commissioners on Local Taxation, 1843, p. 145.] It is probable that this number has since been largely increased, as no fewer than eleven new rates have been created since 1848.* From a uniform administration I believe

* These are: Burial Board Rate, Public Library and Museum Rate, General District Rate, Sewerage Rate, Parish Improvement Rate, Animals Contagious

that great economy would arise. But the existing administration is very far from being uniform. There are more than 200 distinct police districts in England and Wales. There are generally at least three different governing bodies in each municipal borough in England and Wales, viz., the board of guardians for the poor, the town council, the local board of health. The number of the last is about 674, not including the vestries and district boards of the metropolis.* The boards of guardians are collected into union boards, the area of the union in which the borough is situated being very rarely conterminous with that of the borough. The town council, though the same body as the local board of health, yet acts with different functions. I will now proceed to mention the manner in which these various jurisdictions are worked in Macclesfield, according to the evidence of Mr. John May before the Select Committee of 1870. "Mr. May describes himself as clerk to the guardians of the Macclesfield union, likewise as clerk to the local board of health, while his partner is town clerk of the borough of Macclesfield. The local board of health and the town council are the same body, but as a matter of convenience they meet separately and on different days, because their functions are different. The town council attends to all matters of police, and appoints various committees, finance committees, general purpose committees, and others; levies a borough rate, manages the waterworks, and levies a water rate. The local board manages the gasworks, levies rates for the maintenance of the roads and for all sanitary purposes, and administers those funds. The town council and the local board keep different sets of accounts, in different sets of books, and have different balances at their bankers. They raise different rates at different times, and have different collectors. These collectors each collect two different principal rates. The borough rate levied by the council is paid out of the poor rates in the township of Macclesfield; these two rates being collected at the same time by one officer. A cemetery rate and a contribution to the county lunatic asylum are likewise paid out of the poor rate. The board of health levy a general district rate and a lighting rate. These two rates are kept separate, but are collected at the same time. The general district rate is described

Diseases Rate, Borough Lunatic Asylum Rate, Borough Library and Museum Rate, Borough Improvements Rate, Borough Baths and Workhouses Rate, Borough Burial Boards Rate; and to these the School Board Rate must now be added.

* Vide Mr. Tom Taylor's evidence before the Committee of the House of Commons, 1870.

as being 1*s.* 6*d.* in the pound; the lighting rate is 6*d.* in the pound. These rates are kept distinct in the ledger. The general district rate is levied like all rates under the Public Health Act, with an exemption of 75 per cent. in favour of market gardens, land, railways, and so forth. The borough rate is levied with the poor rate, and on the basis of the poor rate, in which these exemptions do not exist. Accordingly the borough rate is levied upon all alike, whereas the general district rate is levied in a different proportion; while although the purposes of the two rates are not identical, they are similar for the general advantage of the town. A different arrangement for compounding for small properties exists for the poor and the general district rates. For the former the Assessed Rates Act has been put in force, in which the limit is 8*l.* and under. For the latter the limit is 10*l.* and under. Different allowances are made in the two rates. Thus the owner of the same house is taxed in a different way, with different deductions, for those two different rates. The "borough" and the "township" are not conterminous, the "borough" boundary cutting the "township" into two parts. The part of the "township" outside the "borough" pays the county rate, the part inside the borough pays "county rate, exclusive of police," and borough rate as well, the borough rate being a charge for police only. Though the borough, as mentioned above, contributes to the building of the county lunatic asylum, it has no control over that expenditure, except through the county justices resident in the borough, who, however, vote as county justices, and not as the representatives of the borough. The rates for the borough are materially assisted by the surplus tolls on the river Weaver, but the ratepayers of the borough, as such, have no control over the navigation or the expenses. In the modes of electing the governing bodies of the borough a similar diversity prevails as in the proceedings relating to local taxation. There are three elections which occur annually in the borough; the municipal election, the election for guardians, and the proceedings in the vestry in the case of overseers. All these three elections are conducted with different qualifications, on what may be termed a different register for each. Besides, there is the election of borough members, also on a different register. Thus there are four registers, the conditions of voting being different in each case, the owners of property having a different position in all. For the vestry and the election of guardians the rate-book is the register. For the election of borough members and of the town councils separate registers are made

out, with a repetition of expenses in the preparation of those registers."* Since the time when this description of Macclesfield was written some further changes have arisen. But these changes have not been in the direction of greater clearness in working. There is the education rate, for example. In most cases the school board, like the one in this city, has, I believe, done its work very well. But if the local government of each town had possessed the power of adapting itself to the special wants of the place, would a separate agency have been needed for this purpose? In a well-organized municipal system there can be no doubt that the supervision of education would form a part of the duty of the local governing body, instead of being delegated to a separate administration.

But there are others besides myself who desire to speak to you on this subject, and I do not wish to exhaust the patience of the meeting. The subject is one so large, and ramifies into so many divisions and sub-divisions, that it would be impossible for me, even at the risk of wearying you altogether, to attempt to give even a slight sketch of the whole. I have confined my remarks entirely to the towns, and have not spoken at all of the counties. I believe that in general the administration of the counties is superior to that of the towns, and that this superiority arises in a considerable measure from its greater uniformity and stability.

The following example is a curious instance of the disadvantage of divided administration even in small matters. The main entrance to the Houses of Parliament is, as we all remember, through New Palace Yard, and the great iron gates at the entries into New Palace Yard were built, like the Houses of Parliament, upon ground under the control of the Board of Works, and at the cost of the nation, and at the cost of the nation also the hinges of the gates are continually and carefully oiled. But the Board of Works have no authority over the construction of the carriage road passing through the gates, which is the property of St. Margaret's Parish, Westminster, and the construction of that road is so faulty that the gates have fallen from their true level, and this summer could not, if occasion had required it, have been fastened. The matter is scarcely in itself an important one, but it curiously illustrates the disadvantages of divided administration.

What I have said about the want of organization in local matters, and the example of Macclesfield which I have quoted, will tell you the direction in which it appears to me the best

* From "The Local Taxation of Great Britain," by R. H. Inglis Palgrave, p. 30.

hopes of the ratepayer lie; and that is, in a careful re-organization of the whole local administration, accompanied by a painstaking working out of the matter by those locally interested. The returns now published by the Local Government Board give a great deal of information on the mode of expenditure of the money raised in rates. These returns give the particulars of the cost of administration, and deserve a very careful attention.

As our system stands at present, it often reminds me of an old house, an old country-house, perhaps, which has been altered and enlarged many times to suit the wants and wishes of the various occupants. One man had many children and wanted space: so he built a great many small rooms. Another desired to entertain his friends: so he built a great dining-room and a large ball-room. At last the house has overgrown the property, and some one coming into the estate discovers that he has inherited a mansion so vast, so ill-arranged, so expensive to keep up, that he finds the cheapest plan is to take a great part of it down and re-model what he keeps to his own needs. Something analogous to this, I believe, will have to be done with regard to local taxation by the man who desires to improve the existing system. The process will generally be far from a pleasant one. Economy is the most unpleasant of all virtues to practise, and in public matters is rarely popular. But the need of placing local taxation on a better basis is very obvious, and cannot long be safely neglected.

On the Same. By S. S. Dickinson, M.P.

THESE questions do not appear to me to be stated with sufficient clearness. The word "levying" would include assessing and collecting, but scarcely extends to the character of the taxation, and the expression "administration and government" not only applies to the levying and expenditure of taxation, but to matters not necessarily involving taxation, such as licensing public-houses, &c., which, I presume, would be beyond the scope of the discussion. I purpose, therefore, to consider,

1. What branches of public expenditure may be best entrusted to a local governing body, and what should be the constitution of such local body.

2. What branches of taxation should be placed at the disposal of such governing body, and what should be the character of such taxation.

3. How should such local taxation be assessed and collected.

1. There are two divisions of public service to be considered—one extending over the whole country, the other confined to a distinct separate area. As illustrations of the former, I would instance the administration of the Poor Law, including pauper schools and pauper lunatic asylums, the police, prisons, and highways. As illustrations of the latter, the draining of a particular district, and lighting, watering, and cleansing a town, though this latter service may possibly extend into the wider range of sanitary administration. In determining what powers should be attributed to a local governing body, we have to consider, not whether the service to be performed is limited in its action to a specific locality, but what is the range of administration which, looking at the country as a whole, and the various local areas into which it may be divided separately, is calculated to develop the capacity for self-government—to encourage emulation as between different localities engaged in the same work to execute it in the best manner, in a spirit of co-operation, not of antagonism—to enlist local ability, experience, and energy in the public service, unpaid, and generally to secure efficiency and economy in management.

The qualifications offered by a locality for securing efficiency and economy are local knowledge and local interest. The disqualifications are local narrow-mindedness and a perfunctoriness of performance when the time, trouble, and expense required for unpaid service conflict with the demands of private business or personal ease. The powers attributed to local bodies should be sufficiently large to interest the well-educated and well-to-do classes in their performance, and should cover an expenditure which will be felt by the taxpayer, to an amount sufficient to make him careful in the selection, and watchful over the conduct of those who are to execute them.

On taking a rapid survey of the various departments of public expenditure, there will, I think, be little difficulty in deciding which may be entrusted to local administration. Of a total Imperial expenditure of 71,860,020*l.* the only items that would seem to come within the category are those connected with elementary education, 1,120,000*l.*; police, 654,960*l.*; prisons, 58,376*l.*; and Poor Law, 226,648*l.** These items (which are for England and Wales) do not include the

* Finance accounts, 1871–2; Parliamentary paper No. 272.

whole of the expenditure for these services, but a contribution from Imperial revenues to services which are administered locally, subject to central supervision, the remaining expenditure (except as to education) being provided out of local taxation. That some amount of supervision by the central authority is desirable in connection with local administration may be admitted, but the control ought not to be such as to derogate from the authority, or diminish the sense of independence and responsibility of the local governing body. The question of contribution, too, is one of some difficulty. It is, I think, inexpedient to keep up a distinction between local and Imperial taxation, which is to a great extent purely arbitrary. The Imperial expenditure for 1871–2 amounted to 71,860,020*l.* The expenditure from local taxation for the year 1868–9 was 36,290,000*l.** of which 3,000,000*l.* was for Scotland, and 3,050,000*l.* for Ireland; but the local expenditure includes Government subventions for police, prisons, and poor, to the extent for England and Wales of 1,215,000*l.*; and is also swelled by some items, such as the cost of pauper lunatics, which is paid by the counties, and partly (145,449*l.*) repaid by unions, and thus appears twice over as county and as union expenditure.

Of this expenditure a small portion only is of a strictly local character. Taking the various headings of expenditure, which, excluding the proceeds derived from the rent and sale of property, state subventions and loans aggregate for England and Wales † 19,815,000*l.*; poor relief, vaccination, registration, assessment, and collection; highway (including tolls), county hundred police and borough rates, markets, bridges and ferries, harbours, pilotage and light dues, and coal and wine duties in the City of London, amounting together to 15,515,000*l.*, come more properly within the category of taxation for general than for purely local purposes, and leave a balance of 4,300,000*l.* as taxation for local objects, viz. lighting, watching, local improvements, burial boards, fire brigades, &c.

Since Mr. Goschen's report, a large item of expenditure—that connected with education—has, by the creation of school boards, introduced a new local governing body, and an addition to local taxation. The legislation on this subject is exceptional. Large Government subventions are made to the extent of nearly half the cost of the elementary education of the people,

* See Mr. Goschen's report, p. 6; Parliamentary paper No. 470 of 1870.
† *Ibid.*, pp. 2–3.

and a large portion is paid, not to public bodies responsible to the public, but to private bodies, who have erected and maintain the elementary schools. This state of things cannot last. If the education of the people is to be a public charge, the management and cost of that education should be placed under local administration, subject to central supervision. This involves an expenditure probably in excess of 2,500,000*l.*

All these classes of expenditure may, I think, be entrusted to local bodies; but, instead of having twenty different classes, the number might be considerably reduced. The relation, too, between the central Government and local bodies might be improved. As a general rule, subject to exception in the case of the metropolis and of large populous cities, which must be exceptionally dealt with, the union would, I think, be the best local area. The union board might include all the smaller local bodies, at present acting independently in different parts within the same area. The county might be made a governing body for certain purposes, as for police, prisons, and lunatic asylums. The local governing body should be elective, the taxpayers having votes in proportion to the taxation paid. The union board might be subject to supervision by the county, and the county by the central authority; but in neither case to an extent to derogate from their autonomy, nor beyond what may be necessary to secure the due execution of the powers attributed to them respectively.

2. The taxation to be appropriated to local expenditure should be elastic, to meet readily any increase or diminution in expenditure. It should be direct and apportioned to the various heads of expenditure, in order that the taxpayer should feel at once the pressure and know the purpose for which it is raised. These qualities attach to the system of rating, but that system is open to two objections which condemn it: (1) it is impossible to state with certainty by whom the rates are paid, whether by landlord or by tenant, or in what proportions; and (2) it is raised out of one kind of income, that derived from land, to the relief of all other, which is unjust. I contend therefore that rates should be abolished.

The charge which, taking a reasonable average of years, has been imposed in the shape of rates on land should be commuted into a land-tax of so much in the pound on rental, and provision should be made for securing as a part of the public revenue a corresponding tax on land on which houses, railways, canals, &c. have been or may be erected or constructed. This and the existing land-tax should be irredeemable. Thus the existing charge on land in the shape of rates would be continued in the

form of a rent-charge, as a part of the public revenue; but as it would be fixed and inelastic, it should be transferred from local to Imperial taxation.

Mr. Goschen enumerates market dues, bridges and ferries, harbours, turnpike tolls, and pilotage and light dues, aggregating 2,980,000*l.*, as branches of indirect local taxation. I should call them direct, as passing immediately from the taxpayer to the tax-collector. Whether these branches of revenue should be continued may be a subject of discussion, but if continued they would form a portion of local taxation applicable primarily to the services for the performance of which they are levied, leaving the surplus expenditure in those branches to be defrayed out of the general local fund.

The liability to local taxation might be made dependent as to personal estate on residence, and as to real estate on locality; but subject to this question an income-tax, or some form of direct taxation to be substituted for income-tax (by which every resident should contribute according to his ability) should be the one fund for all local expenditure not covered by other sources of income, and in levying such tax the taxpayer should be informed how much of the tax is required for each head of expenditure.

The inhabited house duty and the assessed taxes, if continued (which appears to me a question of doubtful expediency, for they are a rough and unequal attempt to tax income), would remain a part of Imperial taxation.

It is not easy to state the financial results of the arrangement proposed. The rates levied at present upon land built upon must be re-considered and reduced to a rate on what may be considered the ground-rent, on a principle to be applied to future buildings on land. Looking at Mr. Goschen's estimate for 1868, out of a total levy of 10,439,000*l.* for poor rates, 3,466,000*l.* represents the amount paid by land, 4,934,000*l.* the amount paid by houses, 1,160,000*l.* by railways, and 879,000*l.* by other property. Taking the charge on land commuted as above suggested at about 5,000,000*l.*, that amount of income would be transferred to Imperial taxation. Taking the various items of income and expenditure from the same report (pp. 4-5), and adding the Government subventions, 1,225,000*l.* and 2,500,000*l.*, of which Government pay 1,120,000*l.* for education, there would be a total of 20,000,000*l.* This includes some expenses incurred in works by which property is improved, the cost of which may, therefore, be imposed on such property, but the balance would have to be raised by direct taxation. At the same time there would be a relief of 2,345,000*l.*, and an addition of 5,000,000*l.* to Imperial taxation.

3. The assessing and collecting of the local taxation in the form of an income-tax or some direct tax of that character should be under central management. It can be done more efficiently and economically under a central authority, more particularly if that authority collects the same tax for Imperial purposes. There is no necessary connection between the levying of taxation and its expenditure. The local bodies would furnish an estimate of the requirements in their localities, and the amount would be raised by a direct tax in a manner to give the taxpayer the information he requires as to its expenditure, although by an agency not acting under local authority. The local body would have access to the assessments, to see that they were properly made. In determining questions connected with income-tax assessments a central is preferable to a local authority. The incidence of an income-tax on individuals would not be the same for Imperial as for local purposes. For Imperial purposes the income-tax would fall with equal weight on all persons assessed, irrespective of locality. For local purposes it would vary in the different areas according to the economy and good management exhibited by the governing bodies, and the accident of the locality being inhabited by the wealthy or persons of moderate incomes. Again, though existing exemptions might be continued as regards Imperial taxation, there should be no exemption whatever for local purposes. Every resident should pay his quota, however small his income, according to his ability.

DISCUSSION.

Mr. F. Hill (London) said: All should be required to contribute in proportion to the benefit they receive from the protection of property, good roads, lighting, sewerage, and other similar advantages. Every person benefited by the wise administration of local taxation, and every person in a locality should contribute towards it, whatever the nature of his property or of his income. No one ought to go scot-free. At present local taxation was borne by one kind of property only, viz. real property. Nominally the local taxes were paid by the occupiers of this property, but it was really by the owners. An occupier was prepared to pay a certain sum for a farm or a house; it was indifferent to him what portion of the money went to the landlord, and what portion to the tax-gatherer; all that the occupier was concerned about was the total. Tithes were at one time a constant subject of vexation; they varied from year to year according to the productiveness of the land, which, in turn, varied in great measure according to the skill and industry of the farmer, the greater his skill and industry the heavier

being the tithe. Since then, however, the tithes had been changed into a rent-charge, varying only with the general price of corn; and this rent-charge being paid direct by the owner, was collected with ease; and the same rule would apply to other local taxes. The idea that they fall on the tenants was doubted, strengthened by the fact that the tenant's payment does vary from year to year with the increase or decrease in each year's total rates for the district. But the average payment told must in his (Mr. Hill's) opinion be met by a counterbalancing deduction from the rent. It would be a great improvement if the payments now made by the tenant could be treated as has been done with tithes, and turned into a rent-charge, so that the fluctuations might fall upon the person best able to bear them, viz. the landowner. Those taxes upon land which were of long duration, and which had been considered in its purchase, might be regarded as belonging, through the State, to the locality, in the same way as the tithes, through the State, belong to the Church. If land were taxed to the extent of one-tenth, the purchaser bought only nine-tenths. Such taxes were really not taxes upon the landlord, but upon the State. New taxes, such as those for education and sanitary improvements, were very different. The land had not been purchased under the expectation of its being saddled with them, and therefore it would not be fair to throw the whole burden of such taxes upon the land, except in cases where a tax increased the value of the land, and this to the full extent of the tax. We had no available means of reaching other kinds of property for local taxation but the income-tax, which, however, should be levied with a just distinction between temporary and permanent income, and, at the same time, be applied to much smaller incomes than are assessed for Imperial purposes. A man who earned 50*l.* a year had all the advantages of good and well-lighted roads, and of good sanitary arrangements, and surely he ought to contribute towards their cost. With respect to local administration, he (Mr. Hill) maintained that every man's voting power, in the election of the governing body, should be in proportion to his payment of local taxes. Any departure from that principle was not only, in his opinion, theoretically wrong, but practically mischievous. It was shown in the report of the Commissioners of Inquiry, which led to the Poor Law Amendment Act, that in many parishes wasteful management was a positive benefit to certain ratepayers, seeing that in the shape of contracts they gained more than they paid in rates. All Imperial contributions to local taxation he looked on as delusions. They were only a mode of getting back from the Exchequer what each locality had first to contribute to it.

The CHAIRMAN said that Mr. Colman and Mr. Dudley Baxter were agreed as to the remedial measures to be adopted, provided the country could be convinced that there was injustice in the present mode of local taxation. But he thought it was necessary to establish clearly that this was the case. It was not enough to say that local taxation was increasing, but it must be shown that it was increasing in a greater ratio than the Imperial taxation. Once establish that, and the remedies proposed by Mr. Baxter and Mr. Colman would naturally follow.

Mr. HERON, Q.C., M.P., stated that last year he visited the Inter-

national Congress in St. Petersburg, and he had made himself acquainted with the great system of local government and local taxation, which were introduced into Russia by the Emperor and his Ministers contemporaneously with the emancipation of the serfs in 1861. Although there was no Imperial Parliament in Russia, there were forty-eight provincial Parliaments, which had complete power over the local taxation of the country, for roads, the improvement of commerce, the relief of the poor, and for carrying out the great foundling hospital system of Russia. Their powers were analogous to those of the Court of Quarter Sessions in England as regarded local taxation, and the grand jury system in Ireland. These local provincial councils were elected partly by the nobles or hereditary landowners, partly by the burghers or merchants of the town, and partly by the peasants. There were separate communal and cantonal councils, consisting almost entirely of peasants, who elected a mayor, and by whose means the entire conscription of Russia was conducted. It was only under a despotic government that such a system could be accomplished.

Mr. E. L. O'Malley (London): Two remedies were proposed by Mr. Colman, each perfectly distinct from the other—that, on the one hand, a very large number of those burdens which were now local should be transferred to the Imperial Exchequer; and that, on the other hand, the great question to be determined in any reform of local taxation was the ability of the individual and of the locality to pay. The ability to pay might be a very proper subject for consideration, but the ability should be taken in regard to the whole of the taxation borne by a person, Imperial as well as local. Confined to local taxation, the test to be applied was not alone that of the man's ability to pay, but what was a fair proportion to the advantages he personally enjoyed. A man engaged in manufactures or in commerce, concerned with the physical circumstances of a place, ought certainly to contribute, other things being equal, more than a professional or private individual living in the same locality. In many cases the one derived greater advantages than the other. He believed that in proportion as local men made their immense fortunes so local taxation advanced. The increase was not to be attributed entirely to the prosperity of manufacturers, but no doubt that had a considerable influence. Then, again, with regard to temporary pauperism, looking at the sources which contributed it, the burden ought not to fall as largely upon the private individual as upon the manufacturer. Further, the private or professional man had not the same means of meeting additional taxation as the manufacturer had, in being able to charge an increased sum for the article he produced. He could not refrain from pointing out, as to the justice and equity of the question, that there was a great tendency in the present day on the part of the strong to shift their burdens on to the shoulders of the weak.

Mr. George Hurst (Bedford) questioned whether there was any increase in the amount of local taxation. Taking figures and nothing else, we were very likely to be deceived. There was a great difference in the value of money as compared with twenty years ago. Money had decreased in value. As to additional taxation, the principal new charge

was that of education, and let us consider what a benefit and advantage this would be to the country. It must also be borne in mind that the additional taxation consequent upon town improvement was accompanied by an increase in the value of local property. He was in favour of a consolidation of rates and an improvement in the arrangement of the system, but he regarded it as only just and equitable that the property which received all the benefit from the increased expenditure should bear the additional burden; moreover, throwing more burdens upon the Imperial Exchequer must inevitably lead to greater centralisation.

Mr. SEYMOUR pointed out that the consumers and purchasers of articles produced or sold in towns were the parties who to some extent paid for taxation. It had not yet been shown that local taxation increased more rapidly than Imperial taxation, and we must look at the whole matter as one great system by which we paid for the advantages we in common enjoyed.

Mr. C. S. READ, M.P., said that he accepted at once the challenge of the Chairman, when he said that local taxation reformers should show that taxes had diminished and that rates had increased. He appealed to the authority of the late Chancellor of the Exchequer (Mr. Lowe), who, at Sheffield, told us that since his Government had been in power taxes had been remitted to the amount of nine millions, and he appealed to the authority of Mr. Dudley Baxter, who had shown how steadily rates had increased. They had, in fact, increased to the extent of five millions. He therefore proved his position from the mouth of the Chancellor of the Exchequer, whose authority he was sure the Chairman would not question, and from the able statement of Mr. Dudley Baxter, whose authority no one in this country would dispute. In the course of this discussion he had heard some wonderful things, but the most astounding was that of Mr. Hurst—that a heavy expenditure of rates increased the value of property. Would any one in Norwich who had a house to sell consider that its value was increased by its having to pay 7*s.* in the pound to the local rates? No doubt there must be a division of rates into two classes—those which were Imperial, and those which were strictly local; those that might be considered to be remunerative, and those that were simply taxes. But this division might be carried further. It had been the object of those with whom he had the honour to act in the House of Commons to do this, and to say that whenever the Imperial Government came in and interfered with and controlled the expenditure, the expenditure should be Imperial and not local. To take cases which had been prominently before the House of Commons—the police, for instance—the Government interfered not only with the pay, but with the number of men that had to be kept. Then there was the care of lunatics, towards which they contributed nothing, but with which they interfered a great deal, and often very unnecessarily, as the citizens of Norwich well knew. Again, in the case of the administration of justice, could there be greater interference with less assistance? We had been told that greater centralisation would be the result of the Government further increasing the subsidies which it gave to local taxation, but it

appeared to him that the greater the interference the less the contribution. With regard to what had fallen from the hon. member for Tipperary, he congratulated the hon. member upon having come from a part of the United Kingdom in which local taxation rested very easily. There were only three millions of local taxation in the whole of that great and wealthy country of Ireland, as compared with thirty millions in England, and they so administered the Poor Law that there was little or no out-door relief administered. No doubt that was one great secret of reducing local taxation. It had been urged that in consequence of land being a monopoly, the owners of land, not the occupiers, had to bear the burdens upon land. This was a singular conclusion, because if a man had a monopoly of anything he could command what price he chose for it. In the greater part of the paper of Mr. Colman he entirely concurred. Although they were journeying on two distinct roads they arrived pretty well at the same point, and the only difference was that Mr. Colman reached the end of the journey before he did, and went on where he desired to stop. For instance, Mr. Colman took the case of the permanent poor, and contended that this was a burden which should be borne by the nation. There were a good many things connected with the Poor Law towards which Government assistance might be extended, but it would be dangerous and difficult to say that the permanent poor of a district ought not to be supported by that district. In his opinion they ought to be so supported, and it was only just in this one little particular that Mr. Colman outran him. His hon. friend had also been good enough to draw a comparison between urban and rural districts, but had he referred to the return of Mr. Hibbert, presented two or three years ago, he would have seen that although there appeared to be much heavier taxation under the poor's rate in towns than in rural districts, in reality there was not. In 572 rural districts the poor's rate was 2*s.* 0¾*d.*; in 155 urban districts 2*s.* 6*d.* Taking the amount actually received by the poor, they found that in rural districts it was 1*s.* 5½*d.* in the pound, and in urban districts 1*s.* 7¼*d.* Therefore, there was no great difference. His hon. friend also said that in the city of Norwich they were supporting a good many agricultural labourers. It must be remembered that in the city of Norwich there was a great deal of agricultural land, and it was not unreasonable that those who had been employed upon it should receive any assistance they needed from it. Even supposing there was no land there at all, there were the domestic servants they received from the country, and the number of healthy, strong, fine, unmarried men who came to work in Norwich, and who, if ill or distressed, were sent to the villages and homes from which they came. He was not going to say that he was not glad there had been a union rating, by which the old and used-up labourers could not be returned to the country districts, but he was happy to say that the town manufacturers, who had worn up the poor, had, in a measure, to contribute to their maintenance. Both his hon. friend and Mr. Dudley Baxter desired to see the assessed taxes appropriated to local taxation. For himself, he contended that if the house-tax was given for local rates the land-tax should also be added. There was also great reason

for an enlargement of the present areas, if justice was to be done. But they had been told in this debate that nobody paid anything in this world. Notwithstanding that he had paid the tailor for the coat upon his back he should be told that he did not pay for it himself, and that the men who consumed the grain and meat which he produced on his farm were really the persons who paid taxes. He demurred to this, and, after all, facts and figures, such as those advanced by Mr. Dudley Baxter, did teach something. In conclusion, Mr. Read pointed out that it would not do to administer the rates over too large an area, and that there must be a division of rates. We must not ask the Imperial Parliament of this country either to give up the assessed taxes, or to continue to pay what it did, unless we entirely separated the two things, remembering that the one was entirely a local charge on local objects, and the other was for the benefit of the nation at large.

Captain CRAIGIE (London), dealing with the question of whether or no a grievance existed, pointed out that there were two distinct classes into which local taxation divided itself, and that it was not sufficient to look to the amount of rates under each head, but to the objects on which they were expended. For a full exposition of his views he referred to his paper read at Plymouth.* The cost of relieving pauperism and lunacy, he said, exceeded 9,000,000*l.*; the cost of repressing crime was about three and a half millions. Of these sums 88 per cent. was provided by rates. Those rates were strictly taxes. As to the existence of an inequality in the taxation of real and personal property, he held the figures of Mr. Dudley Baxter to be conclusive when he showed that the total taxation, Imperial and local, on rated property amounted to 30 per cent., and on unrated property to 10 per cent. only. He contended that the one intelligible principle on which a remedy could be based was, in every case, to couple central control with proportionate contribution from State funds. Where Parliament, representing the interests of the community, imposed on localities certain duties, the obligation of the community, as a whole, to contribute their cost was established. If, therefore, the community contributed fairly to Imperial taxation, from Imperial taxation should come, to a greater or less extent, the funds required for the discharge of essentially national duties.

Mr. ROWLAND HAMILTON said there were many parishes that were too small to be efficient units, and the union of such units is required to facilitate any plan of organisation. The principle that taxation and representation should go together was rather too broadly advocated. The Government could not allow any local authority to forget duties in the discharge of which the State was concerned. The Government erred in interfering too much with executive details; it ought to insist on definite responsibility for certain results, without entering into details. It was by no means an impracticable ideal that Government officers should inspect and report, give localities the benefit of general experience, and in return receive what benefit

* *Transactions*, 1872, p. 418.

local experience can afford, and that the head of the department should exercise an impartial sway over both inspector and local authorities.

Mr. G. W. Hastings said we must have a better unit, a better governing body, before we could effect reform in any direction. What with magisterial duties at quarter and petty sessions, boards of guardians, and highway boards, country gentlemen had too much to do; and if we kept up the present diversity of boards and added educational and sanitary boards, we must expect that offices would fall into inferior hands, because the supply of good administrators was limited. As a unit, the parish, however useful and necessary in ancient times, was impracticable; we must have large districts, and the best unit for the administration of county local business was the petty sessional divisions. Poor Law means were too large, some boards were too large; the members had to travel great distances, and members knew nothing of parts of their unions which they never visited. By having one local authority for all purposes, we should prevent the needless multiplication of clerks, officers, and offices; and a county board, consisting of representatives of these local boards and of *ex officio* members, would command confidence, and might be entrusted with large powers of taxation, such as would enable it to tax other things besides real property. At present no local body was considered to be sufficiently elective and representative of the people to be entrusted with these powers. Such county boards would remedy the grievances occasioned by the vexatious interference of the central with the local authorities, which would continue so long as the latter were too small to resist the former. Compare the pressure put upon them with the very small pressure put upon quarter sessions by the Home Office. It would be impossible for a central authority to coerce large representative bodies. No doubt central interference had produced many local improvements, but there was also mischief in the tendency of small bodies to yield to gradual encroachment. These bodies did not attract men of superior position and intelligence, who did not like to be dictated to in small matters. Therefore, one remedy for present grievances was unification and the formation of representative bodies, which would be able to stand up against dictation from without, which might be entrusted with large powers of taxation, and the prestige of which should attract the best elements of the society they governed.

Mr. R. T. Gurdon (Norwich) did not like Imperial subventions, because they implied interference. He would willingly forego the contributions now paid from the Exchequer in aid of the police, &c., if the assessed taxes, the house and land-tax, and perhaps the licences, were given up for the relief of local burdens.

The Chairman (Mr Brassey, M.P.) said: So far as the discussion had gone, the reformers seemed to have the best of it. Those who wished to see local burdens lightened might take comfort from the course of events. The Government had taken steps in the direction of extending the control of the central authority in many respects, and it followed that the common purse must bear a greater share of a certain number of public burdens. If any local burdens were to be transferred

to the public purse, the cost of maintaining the police and of administering justice had the first claim. The central control of the Irish Constabulary had not been attended with disadvantage to the public service, but rather the contrary. We must give careful consideration to the constitution of the unit of taxation and administration. It was a great error to have the local unit too large. The discussion could not be without influence in the legislative settlement of these questions.

Lord HOUGHTON pointed out a gratifying feature in this debate—that it had not regarded the question solely as one of a burden upon land. It was not a question between the owners of the land and the rest of the community. Any proposal which had the look of being merely to relieve land of its burdens by laying them on the rest of the community would be very ill received by the masses of the people of this city. The enormous preponderance of industrial interests every day diminished the importance of the landowners, and it should be conceded that the benefits of the police were reaped, and the necessity for lunatic asylums was increased, by the extension of those industrial interests as much as by lands and houses. Therefore it was unjust to throw upon one class the cost of arrangements that were necessary for the good of the community.

FRIENDLY SOCIETIES.*

On what Principles should Friendly and other kindred Societies be Based? and is Government Control of them Desirable? By the Rev. J. Y. STRATTON.

IN dealing with the principles on which friendly societies may, with advantage to the community, as well as to their members, be formed and managed, it is necessary to avoid the error, sometimes made, of confounding the friendly society with the trades' union. The distinction between the two is sufficiently marked by the law, which, while recognising the advantages of a healthy development of mutual insurances among the wage-earning class, and the encouragement of friendly societies by privileges conferred on them, does not acknowledge them when made subservient to institutions by which terms may be enforced between two parties who cannot agree. Co-operative societies, though they find a place in the Reports of the Registrar of Friendly Societies, are not of the same nature as the latter. Building societies are, again, a separate channel of the provident enterprise of the working classes in towns; but, although they may flourish in the same soil, are sufficiently distinct from the institution known as the friendly society.

Given peace, a good labour-market, and a thriving popu-

---

* See *Sessional Proceedings*, 1872–3, p. 287.

lation, and we have the soil in which the friendly society will take root and grow mightily. If the population is thinned, and the country impoverished by war, or other visitation not within the calculation of the actuary, the friendly societies are the first to suffer. Such was, in recent years, their fate in America (where they are now said to be flourishing again). This country, by the providence of God, possesses in an eminent degree the conditions under which the friendly society may prosper. The masses of our labouring population belong to a friendly society of one kind or other. They are founded on the principles of mutual aid, especially among men of like occupation. A combination in which the strong support the weak, the many assist the few, the sympathy and brotherly kindness between man and man will assert their power, and draw friends and fellow-labourers together by attractions, I believe, even stronger than those of the tap-room, committee meeting, and annual festival. It is true that the friendly society has not escaped the common lot of good institutions, in being liable to much abuse. In bygone times it was tried, but failed, as a tool for the political agitator. It is still made, in some degree, to subserve the purpose of the unionist; and the lowest class of societies have persistently been dragged into terms of unworthy servitude by the landlord of the village alehouse, who does not overlook the connection which the establishment of a new club hardly fails to bring to him; indeed, the clubs have been occasionally sold as part of the good-will of the house. But, notwithstanding, there remains much that is substantially good mixed up with the evil. The effort to improve and extend the operation of good friendly societies is deserving the earnest consideration and assistance both of the philanthropist and the legislator.

The friendly society offers to persons who earn their maintenance by manual labour the following benefits: Sickness pay, to which it is customary to unite burial money, or a sum payable at death to the representatives of the insurer. Burial money may also be taken as a separate insurance. There is also the benefit of old-age pay, commencing according to contract at 65 or 70 years of age. The latter benefit, owing to the uncertainty of duration of the societies, as well as on other accounts, is at present but little used. The society should be sufficiently large in point of numbers to realise tolerably uniform averages from year to year. It can never, I believe, be too large if well "officered," and subdivided into districts of convenient size. We cannot, perhaps, greatly improve upon the construction of these societies, but in point of adminis-

tration and security, considerable reform is urgently required. The combination of sickness pay and burial money in one insurance, however convenient to the members, requires care in book-keeping. Where the business is properly conducted, the contribution for the two benefits, though paid in one sum, is carefully ascertained and carried to the two separate accounts. In societies where accounts are not understood—which is no rare case—all goes into hotch-pot. There is but one fund, which is called the capital, and so long as there is any balance in hand, the society is supposed to be solvent, the members having little or no anxieties about prospective liabilities.

Let me mention a fourth benefit, which is said to be of American origin, and is now making some progress in this country, and likely soon to be obtainable at the post-office. The endowment is an insurance by which a person may, on payment of the contributions for the same, secure for himself or nominee a sum of money from 5*l.* to 200*l.*, payable at the end of a term of years as agreed upon, usually not less than seven or exceeding twenty. This is an excellent insurance for persons who can save a little from month to month, and is in request for securing the apprentice's fee for the boy, or the portion for the maiden, or anything, from a cow, to a cottage for the industrious labourer. It is considered a better investment than depositing money in the savings' bank, firstly, because the interest or the contribution for the endowment is generally a little more than that paid by the bank; and secondly, from a reason which is appreciated keenly enough by provident persons of very limited means—their little store, accumulated in the savings' bank, is always in jeopardy from their constant need of money, and it rarely is suffered to remain for its destined use. But if the investment is in the shape of a contribution for an endowment, they cannot so easily withdraw the amount. They must, before doing so, satisfy the managers of the society that their necessity is so great that the proper step is to withdraw.

It is wonderful to note what difficulties they will face and overcome in contriving to pay to the end under such wholesome restraint; and when the term is complete and the original sum insured for is handed over to them, their gratitude for the restriction which withheld them from a premature appropriation of their savings would not fail to excite your interest. Add to this, that they have gained the useful habit of laying by something out of their weekly earnings, and will generally apply for a second endowment when the first is completed, and I have occasionally known them come a third time. All contributions for the

endowment are returnable, with interest, in case of death. I have ventured to describe this insurance at some length, as it deserves to be better known.

It is not uncommon to attach a medical fund to the society, which may be done with advantage, where the area of the society or district is within the management of the medical man. The cost is from 4*s.* to 5*s.* per member per annum. There are also other insurances in some societies—*e.g.*, for wife and children's burial money—which are not of sufficient importance to occupy present attention.

I will now very briefly state the common condition of these societies. The late Registrar of the Societies, with habitual caution, could not undertake to say that twenty-five societies out of nearly as many thousands, the rules of which were certified by him, were in a solvent condition. Mr. Bircham, a member of the Commission on Friendly Societies, in examining the President of the Local Government Board, remarks: * "We have reason to suppose that there are perhaps 4,000,000 of the Queen's subjects members of friendly societies, and we have some reason to suppose that a very large proportion of the whole number of societies are insolvent." (Mr. Stansfeld): "Do you mean largely insolvent?" Answer: "Insolvent to a most unsatisfactory extent." Mr. Pattison is more outspoken: "The great majority of these societies are insolvent." Mr. Bircham hesitated to say, to a large extent; but I am more bold than he is, and I am prepared to say that, so far as I know, they are to a very large extent insolvent; in fact, it is very difficult to find in a neighbourhood a society to which you can recommend people to go. Such is the common state of the certified friendly societies, and the uncertified are worse. The cost of an uncertified society, which offers to its members, say 12*s.* a week, during a specified term of sickness, 10*l.* at death, and superannuation allowance of 3*s.* a week, may be taken at 2*l.* a year per member, to which amount the expenses of the annual festival and decorative emblems, such as scarves, bugles, and buttons, must be added. All pay alike, and it is waste of words to try to make them understand that a uniform contribution from members whose ages range from nineteen to fifty-five years is, in fact, the most unjust and unequal contribution possible short of barefaced robbery.

The money is freely and honourably paid by the men, often under circumstances of great difficulty. And the hardship is, that, especially in the case of uncertified societies, a very

* See last Report of the Commission.

inadequate return for their money is the utmost they get. The amount is sufficient, if paid into a trustworthy society, to insure them—sickness pay at 12*s.* till seventy, an annuity of 10*l.* to 12*l.* a year, commencing when the sick pay ceases, and 8*l.* or 10*l.* at death. Contributions little if anything short of a sum to secure such provision are also paid by many of the rural and other labourers into clubs, which share out all the savings at the end of the year, this bonus being dispensed on club-day, when it is commonly applied towards the cost of the festivities. In any case the societies do not enable their members to raise themselves above destitution, but sooner or later leave them to end their days in the workhouse.

It is true that labourers may secure a maintenance in sickness and old age and save sufficient to bury them "respectably" without having any recourse to the friendly society. There are some parts of the country in which the friendly society is little cared for, though the labourers are provident and have a wholesome reluctance to go upon the rates. It does not, therefore, follow that if a course of action is adopted by guardians of the poor which will deter many persons from applying for relief, the latter will necessarily join friendly societies. They may manage to live without either the poor-rate or the society. But they are likely to alter the plan of societies which, in their construction and management, have the poor-rate in view, if they find a different course of treatment adopted by guardians toward them than that hitherto common.

Now, let us inquire what steps may be taken by the Government to secure to members of friendly societies a safe investment for their contributions. Care must be taken in any measure on their behalf that there be no interference with the liberty of the subject, and that they may always form and manage their societies as they think good, provided that they do not cause injury and loss to others, reasonably preventable by law. Certain protection and assistance should be afforded to the managers, no less than the members, at a cost which should be defrayed, not out of the revenue of the country, but by those who receive such advantages. The rates of contributions for benefits might with safety be recommended, under authority, due care being taken not to name too low a rate. A compulsory yearly audit of accounts, and a valuation of assets and liabilities at a stated term of years, are the principal requirements. Such supervision will render a good system of keeping accounts necessary. The certificate of the Registrar given or withheld according to the result of the auditor's report,

and the valuation of the actuary, would then become a certificate worth having. To the present time it has occasionally done harm rather than good, though we must not undervalue the assistance which Government has given to friendly societies through that officer.

Protection and encouragement of the kind here suggested would lead to important improvements, by which all societies worth keeping may be rendered safe. I include the affiliated societies, which have indeed borne the burden and heat of the day, and gained, by an experience as creditable to the persevering energy of the English workman, as it has been costly and arduous, knowledge and ability of the utmost value in the management and formation of friendly societies. Schemes of a fraudulent character would have to face the light, and their promoters, under the scrutiny of the Registrar, would be at least checked and hindered in preying on the credulity and ignorance of the industrious and provident poor. The public have for many years run away with the belief that the Registrar's certificate means solvency. Let us make it mean solvency.

The proposal to establish a system of sickness pay and burial money to industrious labourers of good character, by means of extending the powers of the Act, empowering the Post-office to grant certain insurances, and to grant endowments, and alter the present minimum amount of burial money from 20*l.* to 5*l.*, or even a less sum, is one on which the Commission has recently published a good deal of evidence. It was generally approved at the Congress of this Association held last year, and has further elicited powerful support from many members of both the Houses of Parliament, boards of guardians, magistrates, clergy, and others interested in the moral and social advancement of the labourer.

It may not be improper for me to remove one or two important misconceptions with regard to the proposal in the evidence taken by the Commission, and recently published. The principal misconception is, that persons joining the Post-office Friendly Society will in many cases be transferred from the poor-rate to the Consolidated Fund. In answer to this I draw attention to the first of the rules and regulations submitted by me to the Commission, in my Method published by the special kindness of the Royal Agricultural Society in their Journal last year.*

* Method of improving the labouring classes, by altering the conditions of Poor Law relief, and providing them with a system of insurance through the Post-office. See "Journal of the Royal Agricultural Society of England," vol. viii. part 1.

The rule states: "that the stock or fund of insurances, namely, sickness and old-age pay, burial money, and endowments, shall alone be liable to make good the insurances made in it." A subsequent rule provides that "all moneys received (by means of legacies, donations, grants, or), from any source whatever, shall be carried to an account to be called the Management Fund Account;" and "a percentage as the Postmaster-General, assisted by an actuary, may judge to be safe and necessary, shall be annually charged upon the amounts of contributions annually received on account of the several branches of insurances."

The small amount already expended by the Government in establishing post-office insurances will not be grudged by the country, and it is not unreasonable to ask that interest on contributions, of not less than 3 per cent. per annum, should be paid by Government.

I also notice the common misconception of the value of espionage of members over each other, as an efficient means of protecting the sick fund. It is not efficient, but the contrary. Efficient means of protection are, however, known, and are available for their purpose.*

The last difficulty, which requires but a few words, is, that the district postmaster cannot visit the sick member. The society which Mr. Scudamore does me the honour to state I represent has, on various opportunities, for upwards of forty-five years, employed persons of this class as agents, who discharge the duties of agents. They will probably be found among the agents of other societies than the County of Kent Friendly Society. As a general rule, they are very fit men for the work; but in the case of duties or other engagements rendering them unable to do more than receive and pay sickness contributions, and keep the necessary accounts, there could be no difficulty in finding two or three respectable householders residing in the district, who would undertake the office of visitors, in which case, however, the commission paid to the postmaster should be reduced. There is no reason whatever to dread this so called "insuperable" difficulty.

Taking the whole of this important reform into careful review, the remedy for the present notoriously unsatisfactory state of friendly societies will, I believe, be found (1) in such Government supervision as I have pointed out; (2) a better

* See "Suggestions for Legislation relating to Friendly Societies." By the Author. Ridgway, Piccadilly, 1868.

administration of the law of relief; and (3) in establishing a system of insurance by means of the Post-office for sickness pay and burial money, and thus turning to good account the facilities for the work already in existence by Act of Parliament.

Mr. E. W. Brabrook, Assistant-Registrar of Friendly Societies, read a paper on the question relating principally to the co-operative land movement. By the Industrial and Provident Societies' Act, 1871, the buying and selling of land was authorised as a trade, for the carrying on of which a co-operative society might be established. Since the passing of that Act thirty societies have been registered for that purpose alone, fourteen to carry on business in Lancashire, five in Yorkshire, two each in Derbyshire and Lincolnshire, and one each in the counties of Chester, Durham, Hants, Leicester, Northumberland, Nottingham, and Warwick. But the extent of the co-operative land movement is far more apparent from the returns relating to co-operative societies for ordinary trading purposes, which had superadded to those purposes the buying and selling of land, as an employment for their surplus capital or their accumulated profits. Details of the transactions of such societies are given in the paper, derived from the returns made officially to the Registrar, from which it appears that, all necessary allowances being made, a sum exceeding 200,000*l.* has been employed by these societies of working men in the purchase of land as an investment, and the larger portion of this has been applied to providing cottage residences for the members themselves. The movement is strongest in Lancashire and Yorkshire. In these counties, the Rochdale Pioneers, just as they were foremost in the establishment of the present form of English co-operative societies, take the lead in the land movement, having invested 20,802*l.* in the purchase of land and buildings, in addition to 21,695*l.*, the value of the land and buildings used for the purposes of their trade. Next is the Oldham Society, which has invested 13,568*l.* in this manner. The Littleborough Society has invested 9,302*l.*; the Bacup, 9,268*l.*; the Bolton, 8,464*l.*; the Failsworth, 8,407*l.*; and the Bury, 7,869*l.*—all in Lancashire. The Halifax Society, in Yorkshire, has invested 7,000*l.* On December 31, 1872, the number of members in co-operative societies was:—

In Lancashire	98,590
In Yorkshire	85,266
In the whole of England and Wales	300,587

The gross value of buildings, fixtures, and land belonging to co-operative societies, including that required for the purposes of their trade, as well as that invested in cottage residences for the members, was:—

In Lancashire	£588,462
In Yorkshire	332,308
In the whole of England and Wales	1,140,481

When we see to what large results the benefit building societies, which were little clubs in 1836, when an Act to encourage them was passed, have now attained, and how literally incalculable has been the public service they have rendered, we shall hardly be surprised if in a few years these co-operative societies should carry on their trade of buying and selling land to an extent which may have a marked influence on the material comfort, the self-respect, and the consequent social value of their members.

DISCUSSION.

THE PRESIDENT (Mr. BRASSEY, M.P.), before the discussion commenced, observed that when a proposal was made to impose certain responsible duties upon persons appointed by Government, care should be taken that those duties were not too complex or manifold, so as to prevent their being readily and effectually discharged. It would be fatal to the interests of these friendly societies to obtain a Government authentication of their accounts, and a Government endorsement of the solvency of the societies, unless the question of solvency were first thoroughly investigated. It was, therefore, a serious matter to consider whether, if the societies should multiply themselves to a very great number, the proposed duties could be placed upon the shoulders of the Government. He questioned the desirableness of constituting many societies, for the purpose of getting as many members as possible to join them; and asked the Department to consider, what he regarded as the point at issue, if it would not be desirable to endeavour to concentrate this great business into a comparatively manageable compass, in order that the Government might then take it under their control.

(Mr. Brassey being under the necessity of leaving the meeting, the chair was taken by Mr. Wyndham S. Portal.)

Mr. T. Y. STRACHAN (Newcastle-upon-Tyne) said: That the law is defective is universally admitted, but many of the arguments in favour of legislation are based upon the difficulties of getting at, and having remedies against, unregistered societies. I would submit that these societies are properly beyond the region of our discussion.

As friendly societies they are *hors la loi.* As associations of persons joined together to obtain the advantages held out by friendly societies, they are an unwieldy partnership. The remedies are those of partners *inter se*, costly and difficult; but we can hardly ask the Legislature to make it penal to form a partnership, and without such a law it is difficult to see how you can touch unregistered societies. If persons will blindly join such societies without sufficient care and forethought, it is beyond the scope of legislation to protect them. That so many societies were formed and carried on without being registered is to some extent to be attributed to the law of registration and its application. Restrictions of a vexatious character were constantly hindering men from exercising a fair discretion in the management; and the imprimatur of the Registrar, when had, was found by experience to be a delusion and a snare. Registered in conformity with law was found to be no evidence of the lawfulness of the rule, of the fairness of the constitution, or of the general stability of the society. Returns were required to be made, and it would be well for the advocates of Government interference to contrast the action of Government with that of large societies. What became of the experience returns of sickness, &c., made to the Registrar? Where are they tabulated and the results made available for future operations? The Manchester Unity of Odd Fellows, a self-managed and independent body, at their own cost have collected their experience and published tables based thereon, and have made every effort to induce the lodges to adopt such and periodically examine their affairs by the aid of these tables. I had the pleasure at our meeting in Edinburgh, in 1863, of speaking in terms of commendation of this order, with which I may say I am in no way connected, and I again embrace the opportunity of commending their continued action in this direction. The Registrar has hitherto set himself against registering orders of this kind with branches. Each separate branch or lodge must be registered as a separate society. The most satisfactory suggestion to my mind in Mr. Stratton's paper is that where he would foster the establishment and continuation of these large societies, where the law of average can obtain, and where it is worth while to pay for efficient management. Proposed interference with the self-control or management of such societies may be arranged into—(1) Government assuring such societies by means of the Post-office; (2) Poor Law guardians receiving contributions and distributing relief as a right, and not as relief; and (3) Government audit, with some power of controlling recalcitrant societies. That the Post-office could, in addition to its own business, to which has been superadded banking, assurance, and telegraphy, assume a friendly society branch, is not feasible to those who have noticed how much this department is now overworked. If it were attempted, we should find that, like the assurance branch, it would not attract the business of the masses. The charms of the orders, with their secrets, regalia, and banners, or the incessant dunning of collectors, has been found necessary for getting any amount of business; and the large proportion of those who allow their policies to lapse in such

institutions as the Industrial branch of the Prudential Insurance Company, only points out how difficult is the practice of continuous abstinence and frugal habits. Further, the machinery for investigating claims for sick allowances is not to be found in connexion with the Post-office. Nor is it possible to guard against those fraudulent claims which those most experienced in the management of sick societies know to be their greatest difficulty. I would venture to disagree with Mr. Stratton in the opinion that what he calls the *espionage* of members is useless; but if it is so, how more than useless would be anything to be devised by Government officials! The Poor Law suggestion would be a revolution. To be effective it ought to be compulsory. To render it to some effect so, it is proposed that all applicants for relief who are not entitled to money benefits from the society, shall only be relieved by being taken into the workhouse. But where are we to begin in the social scale in applying such a law? It does happen that men are reduced from affluence and compelled to seek parochial relief. Must we all be compelled to be subscribers? Again: when, by stagnation in trade and the various causes by which incomes are suspended, the family means had ceased temporarily, a man would be entitled not only to that amount of pecuniary relief necessary to support himself and family, but must also have sufficient to keep up his benefit society, so that to meet his case the rates must be sufficient to provide, not only for sick benefits, but also for relief when out of work. If Government is to interfere, it seems that the least of the evils would be a Government audit. But we must never lose sight of the danger that in the public mind this may be mistaken for a guarantee of solvency, and even the best of audits may fall short of this. The official would require power to compel the production of documents and information. Whether all societies neglecting to be audited should be prohibited, or be subject to penalties, or whether the certificate of the auditor should be left to bear its weight in drawing business, are questions for discussion. But the latter of the courses will be of no advantage to a man who, having joined a society in the year in which it was audited, finds that afterwards they neglect what can only be imposed by moral suasion. Mr. Lowe (now Home Secretary), in giving evidence before the Commission, appeared to think that the Act might quote minimum rates, so that societies charging less might, *primâ facie*, be said to be unsound. But we would require various rates for different trades and localities, and provision would require to be made for expenses. If the idea were adopted, then any additional rate ought to be carried to an expenses account, and between valuations it would be a guide to the auditor to see that the expenses had not exceeded the "loading." Every five years a valuation could be made, when it would be seen if the assets were sufficient for the liabilities. In cases of favourable experience, but particularly of a higher rate of interest being realised than the tables assumed, the surplus might in some form be divided back to the members. If the contrary, means might be taken to avert a financial catastrophe. But how could a Government auditor in London supervise even to this extent all the societies in the kingdom?

Mr. Ludlow estimates the number of societies at 28,000, which is equal to 90 per day—clearly more than any individual could look after. This appears to support the idea I threw out at our York meeting, in 1864, that district auditors should be appointed—as is done in Poor Law matters—care being taken that persons appointed have the necessary qualifications for the office, the maladministration of which would certainly bring reproach on the Government if not actual money loss. But in any new law we ought to seek rather to foster the national spirit of self-reliance than attempt to take from the people their present management of these institutions. Let the restrictions be as few as possible. Too much interference with the internal management and investment of funds is to be avoided. Large and strong societies should be fostered, but the members ought to feel a responsibility for the management, and be taught that failure is the necessary result of maladministration as well in their case as in that of any association of traders.

Mr. J. S. Randell (Corsham) agreed that great care ought to be taken not to do anything that would tend to destroy the self-reliance of the industrial classes; and to do for them what they could do for themselves had that tendency. The point at which we should step in and lend a helping hand was where they could not do for themselves what they desired. This question was of great moment, since it affected the interests of five millions of the population, that being the number of industrial labourers in this country, to whom a savings bank investment afforded no protection in case of sickness. They had to join a friendly society in order to obtain an income in time of need like that. There were 21,000 benefit societies, according to the Registrar-General's returns; and we might conclude that, at any rate, some out of that number might be recommended as trustworthy. Unfortunately, working men had no means of ascertaining whether a society was sound or not; and when they joined one, they could only hope that particular society would escape the general wreck. As an employer of labour, he had often been consulted on the subject, and had experienced great difficulty in answering the question which friendly society might be trusted. Reference had been made to the Manchester Unity of Odd Fellows. According to the statement of the secretary of the society, confirmed by that of the actuary, of 3,536 branches no fewer than 2,638 were insolvent; that was, the liabilities of the society were stated to be more than a million and a half in excess of their assets. He could not recommend his workmen to join that society. Turning to another popular society—the Prudential—he found that, by their last quinquennial valuation, the premium income was 348,975*l.*, and their assets 430,476*l.* Under the head of the Industrial Branch were 812,208 policies of assurance for 6,531,934*l.*, showing that the industrial classes were anxious to insure. The average amount assured by each policy was set out to be 8*l.* 0*s.* 10*d.* Another popular society, established specially for the artisan and mechanical class, was the United Patriots; and, according to their own statement, they had less than one year's income accumulated capital to meet the unmatured liabilities that had been accruing on them during the past twenty-nine years. Where were we to look for a society we could recommend?

Though some of them were good, our faith even in these was shaken when we saw by the report respecting one of them that it was 90,000*l.* behind the position it ought to be in to meet the liabilities. There was, it seemed to him, full evidence that the labouring classes ought to have facilities for carrying out the aspirations that so many of them entertained. Evidence of that aspiration was seen in the great numbers that were entering some of the friendly societies. With reference to the Manchester Unity of Odd Fellows, the entrances, in the United Kingdom, during 1868, had been 27,873; for 1869, 28,379; for 1870, 28,939; for 1871, 30,683; for 1872, 34,699—making a total for the five years of 150,573. It was most appalling to be told that the investments of so large a number of working men were, to some extent, unsafe. As to the Foresters, the entrances, in the United Kingdom, were 36,268 in 1868; 38,459 in 1869; 39,859 in 1870; 42,673 in 1871; 48,160 in 1872—making a total, in the five years, of 205,419. By saying to the labouring poor, in their time of need, "Why should we provide for you? there is the parish pay," we were encouraging them to imprudence, intemperance, recklessness, and to indifference as to the future, on the one hand; while, on the other, we were not putting before them any general safe system of friendly societies, which they might readily join, to provide for themselves that assistance in the time of sickness which they were so anxious to ensure. The object of establishing a friendly society should be for the benefit of the industrial class. The fact was that the benefit had hitherto been more for the local public-house, and for the benefit of swindlers, in Manchester, Birmingham, London, and other large centres of industry. The neighbourhood in which he lived had been canvassed and scoured by agents from some of these societies. Their plan was to select an agent who would command the confidence of the labouring class living around him. The poor man, who had confidence in him, had no means of judging of the soundness of the society except through him as the agent. Having secured such agents, the societies in question collected the savings of the poor man, the fruits of his own self-denial and that of his wife and family; and in too many cases, when a man had paid his subscriptions for a long time, and at length fell ill, the society altogether neglected his application for sick-pay; he then renewed the request, still continuing his subscriptions, though every penny of it was of great value to him, until he hesitated, and at last omitted to send his contributions, when the society disclaimed all legal liability. In six cases he had taken proceedings, and thus enforced payment of the sick-money. What the wage-earning class wanted was access to sound information as to the solvency or insolvency of friendly societies. Another reason why this question should be considered as a national one was, that the labouring class was a migratory one. No doubt many a man lost the benefit of his society through his moving from one place to another, and discontinuing his contributions afterwards. The poor man's friendly society should be as accessible to him as the beershop, and safe as the Funds. How to secure these things, without establishing societies under Government control, he did not know. The Post-office had the machinery necessary for carrying out such an

undertaking. The Post-office reached everywhere, and was accessible to everyone. It should be held responsible only on the matter of account. The money it received should be handed over to the society, and paid to the members who had a right to it, in time of sickness, on the order of the officers of the society, the Post-office having no discretionary power in the giving of sick-pay. With district supervision, he saw no reason why sick-pay could not be effectually checked; at any rate, it would not be less easy to check sick-pay than it was to check the amount paid at the present time in out-door relief—the amount so paid during the year 1872, ending Lady-day, being 3,583,571*l.*

Mr. William Botley (London) strongly disapproved of the old beershop clubs, as being more or less opposed to the interests of the working classes. In his view Government control or interference would foster, instead of diminishing, self-reliance on the part of the working class, as shown in the operation of savings banks. That the poor did not invest in the Post-office Savings Banks as much as they might do, he thought arose from their want of knowledge on the subject. Under Government control friendly societies would be managed at a comparatively small cost; and they had every reason to be satisfied with Government management in the case of the Post-office and the telegraphs. The proposed control over friendly societies on the part of the Government ought to be as little as possible; excessive interference was always objectionable. He hoped the result would be to render the poor more self-reliant, and less dependent on the Poor Law, especially in their declining years.

Mr. H. Cosens-Hardy (London), as trustee for forty-five years of one of the best friendly societies in Norfolk, stated his experience of Government management. He was not in favour of much Government control. There were some things which the societies were obliged to go to Government for; such, for instance, as Acts of Parliament, by which the societies were made legal, and members enabled to recover what was really due to them; and so far the late Mr. Tidd Pratt had done an essential benefit, by putting his name to a large multitude of societies throughout the length and breadth of the kingdom. Some thirty years ago, members thought a society was all right if only Tidd Pratt's signature was got to its rules. That was undoubtedly a false assumption. Tidd Pratt had really nothing to do with the manner in which the business of societies was conducted. Members of these societies ought to be cautious about giving up their self-control for management by the Government. There was a great suspicion of throwing everything into the hands of the Government. For his own part, he thought that it had treated the friendly societies in anything but a fair spirit. The provident societies took advantage, from the year 1828, of an Act of Parliament which had been previously passed, and which gave a large amount of interest, as an encouragement to societies to invest their money by placing it in the hands of the Government. The terms were admirable, no less than 4*l.* 11*s.* 3*d.* per cent. compound interest, offering an extraordinary bonus to those societies who invested their money in that way. The society with which he was connected adopted that mode of invest-

ment, and had continued to do so up to the present time. Soon after 1828 an Act of Parliament was passed reducing the rate of interest for all future societies to 3*l.* 16*s.* That rule did not, of course, apply to the Reepham Society which he had mentioned. It still continued to receive the 4*l.* 11*s.* 3*d.* But in 1851 the Government found they had adopted a very singular method of paying the National Debt, when they allowed this 4*l.* 11*s.* 3*d.* compound interest to depositors in friendly societies. So, instead of giving them 3*d.* per cent. per day, the Government reduced it to 2*d.* per cent. per day. The result was that all the calculations of societies like that with which he was connected were at fault. Meetings of the members of the society were summoned to consider the matter, and the greatest difficulty was experienced in showing them that, unless they made some fresh arrangements of their own, in order to have an ample amount of money in hand, the society would become insolvent. Eventually a majority granted permission to make the necessary alteration. But what was the result? A large number of members withdrew altogether. They agreed that the object of the alteration was to place the society on a sound and safe basis, but still they thought the 5,000*l.* or 10,000*l.* in hand was quite sufficient for any society to have, and it was impossible for it to become insolvent. They could not be persuaded to pay the additional premium. These results he attributed to the Government not acting fairly or honourably towards the society. Having held out a bonus to induce people to subscribe to such societies, they ought to have held to the bargain in good faith, so far as concerned those who embraced the offer. The Post-office he did not consider to be the proper machinery for carrying out a system of friendly societies. Anybody acquainted with their operation must know that a vast amount of their efficiency was due to the surgeon, as under the Poor-Law system the surgeon had to certify, at least once a month, as to the sickness of the members who applied for relief. How did the Post-office arrange to have these certificates signed all over the country? The most competent persons would have to be deputed to sign them in the country districts. The machinery of the Poor Law was utterly inadequate to carry out the object in view. It was, in his opinion, altogether incompetent to conduct the affairs of friendly societies. An attempt had been made in the union he was connected with, but it ended in failure. The only thing that the Government could do, safely and properly, in this matter, was to appoint a periodical valuation, and make it compulsory. The Reepham Society had already adopted periodical valuation in two instances, and the affairs were found, on each occasion, to be in a satisfactory state. They had, however, to pay for the test rather heavily. Probably the reason why the same plan was not generally adopted was, that members objected, on the score of expense, altogether ignoring the advantage gained by a competent actuary closely examining their affairs. All that the Government could do with safety was, to appoint a compulsory examination, say every five years.

Sir Willoughby Jones, Bart., believed the great difficulty these societies had to contend with—for instance, the affiliated societies of the

Manchester Unity of Odd Fellows—was the migration of labour from one part of the country to another part. While in Norfolk, with a thinly-scattered population, the death-rate among agricultural labourers was low, in the North of England it was rendered high by the casualties which occurred, mostly in the coal-pits; and the consequence was the rate of insurance was put at a high figure, which was simply ruinous to the agricultural labourer. The question had, therefore, been mooted, on great authority, that instead of this one unequal rate, there should be two rates of payment, one for the men who choose to go North for employment, and another for those that remain in the South. Many labourers were now going North. He felt satisfied in his own mind that Post-office insurance for sickness and old age was the great ultimate step this nation must take in the march of civilisation; and the importance of it to the young, as well as to the old, in regard to their comfort and happiness, could not be over-estimated. Mr. Hardy had complained that the Government were not treating these societies in a friendly spirit. The Government was, in fact, the nation—ourselves; and the nation, far from treating the societies in an unfriendly spirit, had been too friendly. When the national rate of interest was only 3 per cent., friendly societies got 4*l.* 11*s.* 3*d.* That went on for many years, certain societies receiving in that way nearly half as much again as they had a right to out of the national taxes. That was a liberal proceeding on the part of the Government, but the money paid was out of the taxpayers' pockets; and such a proceeding was bound to come to an end sooner or later. It appeared to be come to an end later, instead of sooner. The Government ought to contemplate a scheme of general insurance for the masses. He might say that he had conversed with a gentleman who was, at that time, engaged in elaborating such a scheme. For his own part, he believed there was only one man who could prepare a practicable scheme of this kind, and that man was the Prime Minister; and he hoped Mr. Gladstone would accomplish the work before he handed over the captaincy of the state ship to another commander.

Mr. Frank Safford (London) said though the Act of Parliament required the Registrar to look through the rules of friendly societies to see if they were deficient, as a matter of fact that revision had no effect upon the rules. It was a great mistake to suppose they were, in any way, altered; and he had good authority for saying it seldom happened that rules were sent back to be amended in any material sense. What practical experience he had gained in regard to friendly societies had made him somewhat conservative on the subject. Sir Willoughby Jones had said the Government was the nation. It was a matter of doubt whether the Government always represented, as a matter of fact, the mass of the people; and he thought the latter might look with great jealousy at any proposal for giving to the Government entire control over a large sum of money, representing as it would the whole fortune of the masses. However, as we had a Government, he thought we ought, to some extent, to use it for the object in view. Government auditors might be of great advantage. At present, by the Act of Parliament, a balance-sheet ought to be sent in to the Govern-

ment, about once a year, from every friendly society. But only half of the societies made any return to the Registrar. One good effect of a Government audit would be to induce the societies to prepare a balance-sheet, and the accounts would be regularly examined. The funds of many societies were never audited, the accounts were never made up; and the whole distribution of the funds was in the hands of some three or four men, who met in a public-house. Rather than make any amendment in the existing laws, an endeavour should be put forth to carry them out in their entirety.

Mrs. E. M. King (London), in considering the different causes from which these societies had failed, divided them into two groups—one consisting of incompetent managers, and the other of fully competent managers, only taking care of themselves. She could not see how the Government could in the least prevent this want of management. The only remedy was for the societies to learn, by their own experience, how to manage their affairs. They must learn a little more of the rules of trade, and more of the principles of political economy.

Mr. Jeremiah Head (Middlesborough), as an employer of labour in the North of England, felt a keen interest in this subject, more especially because he had been instrumental in starting, among his own *employés* no fewer than three benevolent societies and one co-operative store. All the benevolent societies, he regretted to say, were more or less a failure, while the store was a great success. Before he established the societies, he observed that, whenever any of their fellow-workmen were ill or suffering misfortune a collection was made on the pay-day, and the money so obtained handed over to the men in need. Workmen were extremely generous in their way; they had a deal of sympathy with their class. This was shown whenever a sailor with one leg, or a blind man led by a dog, stood asking for alms at the gate: almost every man that passed threw something into the hat. But in too many cases the best-conducted men were the givers, and the greatest rascals the receivers. He had suggested to his workmen that they should start a common fund, to provide for themselves in time of need, the firm to which he belonged offering to subscribe to it; but when Christmas-Day arrived the men would have a meeting and divide the money among them. Then men would hesitate whether they should join the society next year, and so it would fall to the ground. Though co-operative stores had succeeded in the North so well, they did not meet the whole difficulty complained of. It was alarming that nearly all friendly societies were insolvent. Trades' unions, it should not be forgotten, were provident societies, and on that account he thought they deserved notice in this discussion; and with reference to them, he maintained that, if the Government did anything in the way of certifying or of recognising provident societies, whether or not connected with trades' unions, it ought to insist, where the objects of any society of that kind were twofold or manifold, that the funds for those objects should be kept separate, and devoted to their respective purposes; so that what had happened in the past, to his own knowledge, might not occur again, namely, a man subscribing during twenty years for his needs in old age, and then

suddenly finding that the money had actually been used for other purposes altogether. The Government should direct a compulsory valuation to be made once in five years.

Mr. J. H. Raper (Manchester) had offered to pay some working men that were members of bad societies to transfer themselves into good ones. The change would give them the money value, when they got across the bridge he provided for them, in excess of what they could claim in the bad societies. There were some societies that were not in the insolvent condition which had been ascribed to so many. They were, perhaps, not large societies to which he referred. His proposal to working men was that they should leave the insolvent society, but not suddenly, lest they should fall ill, and so have no chance of relief whatever. They were to pay into the insolvent still, and also into the solvent one, for nine months; and then drop the old one and take to the new. He was startled to hear the statement respecting the increased mortality among the labouring class in the North. He scarcely thought that arose from accidents. Since men had received more wages than before, they had more money to spend in drink, and more bad health in consequence. He had tried to find out the nature of the illnesses from which working men suffered in different parts of the country, and had learned, amongst other things, that in clubs where the members had large incomes more disease prevailed than among the members of clubs like that mentioned by Mr. Hardy, where they were kept pretty close to their work, and only had 2*s.* 6*d.*, instead of 10*s.* a week, to spend in drink, or even 15*s.* or 20*s.*, as among some working men in the North of England. It was highly desirable to have some authorised system of auditing the accounts of friendly societies, and a public registration of those that are sound. There ought to be a thorough inspection of the places where these clubs met; and the question was one worthy of consideration, whether those held in public-houses ought to be registered or not.

Sir Willoughby Jones explained that the accidents of which he made mention were fractured limbs and broken bones, those in coal-pits being caused commonly by the fall of coal upon the men working beneath.

Mr. T. Hancock (Norwich) believed that the holding of these clubs in public-houses was one of the chief reasons of the insolvency of so many of them. All persons, whether teetotallers or not, ought to raise their voice against that custom; at least, everybody who wished to see provident societies for the working classes prosper. Some years ago he was asked to join one of the Foresters' societies by some of his workpeople. It was held in a public-house; and he found several of his men sitting there until midnight, drinking and spending their money. Instead of learning to be provident, they acquired habits of recklessness and improvidence. He objected to the multiplication of these lodges. Those in Norwich might be brought within the compass of three or four, instead of being so many. They might then meet in one central hall, and be placed under able management. If that or some similar plan were adopted, he believed these societies would soon be solvent, and men who had kept aloof from them would join them on their removal from the public-houses. He had been struck with the

remarks of Mr. Cozens-Hardy respecting the conduct of the Government in these matters. For his own part, he was not in favour of Government interference, because his experience of its officials was, that they were generally glad to do as little as possible for their money; and he did not think the work would be done well, if the auditing of accounts and the payment of the sick-money were left in the hands of the village postmaster. He objected to Government interference altogether, unless an Act were passed compelling the societies to publish annually a balance-sheet, and to submit to a periodical audit under the direction of the Gevernment. He did not object to the Government appointing the auditors even, provided they were local men in whom every confidence could be placed, and who should receive proper payment for their services. That would be a wise interference. He hoped one result of the discussion would be a strong recommendation from the Association to all persons connected with the management of friendly societies, to use every influence in their power to have the societies removed from public-houses, and the accounts published and thoroughly audited.

Mr. F. W. Soutter (London) was prepared, as a working man, representing others, to accept Government registration of the societies, believing it to be a necessary measure. As to public-houses, he could not agree with Mr. Raper that the Government should refuse to register all those societies which were held there; and he said that as an abstainer of thirteen years. [Mr. Raper: I put it parenthetically, as a suggestion.] Many would continue to meet in public-houses through mere obstinacy; and the nation would still be kept in ignorance of what was going on in such societies. It was not advisable to create antagonism, which would defeat the very object in view. These clubs were not the only ones held in public-houses; and because a public-house was said to be the house of the public, such meetings were held there. There was a society called the "Hearts of Oak." It had members in all parts of England, numbering at that time from 60,000 to 61,000, about 20,000 of these having joined within the last two years. Most of them were workmen. The society had but one office, and that was in Greek Street, Soho, London. The members communicated with it by letter, and in that way saved a deal in the matter of expenses, and at the same time avoided all the evils connected with meetings held at public-houses. Many Foresters desired to remove from the society to which they belonged to some safer one; but it was difficult to know whether by doing so they would ensure the safety they so much wished for. With regard to holding the meetings in public-houses, at present many of them could be held nowhere else, because other rooms could not be procured. If it were not out of order, he should have moved a resolution stating that Government registration of friendly societies was absolutely necessary.

Mr. W. Smith (Norwich) had been connected with building societies, one form of provident societies, and had observed their operations closely. Eight or ten years ago he drew attention to the fact that meeting in public-houses held out a strong inducement to drink, and urged that it was neither prudent nor provident to continue

holding the societies there. He found that, although in Norwich there were several provident societies, only two of them did not meet at public-houses; but in visiting those held in public-houses, he saw the majority conducting themselves soberly. As to friendly societies, a large number were still under the management of working men in Norwich, and he was glad to say that the defalcations there had been very few. The societies to which he at present alluded were in the nature of friendly societies—they were insurance societies. The competition among them was very keen in order to secure business; and in too many cases that business was conducted on a false principle. He, therefore, supported the proposal for supervision of them, as a necessary measure of protection.

In reply, Mr. STRATTON said one of the great evils under the present system was the sale of collecting-books, from which a large sum was realised. Five per cent. would do the work of agency, instead of the large percentage now paid. It was astonishing how easy a matter it was to get the people to pay their contributions, under the threat of a twopenny or threepenny fine. As to the Poor Law taking charge of this matter, pauperism could not be mixed up with independence.

Mr. WYNDHAM S. PORTAL (in the chair) congratulated the Congress upon having had a thorough discussion on a most important and interesting question; and hoped what had been said would encourage the Association to give special attention to the whole matter, with a view to the Government being recommended to take steps which would benefit the mass of working men, whose interests were immediately concerned. Many persons appeared to think that there was no cause for alarm as to the condition of these societies, that they were doing well on the whole, and a large number of working men were benefited by them. The reverse was the real state of the case. Although many did benefit, a much larger number lost by these clubs. Mr. Soutter's remarks respecting the difficulty of obtaining rooms other than those in public-houses, for holding meetings in, were valuable, and worth consideration. There was a growing feeling among Odd Fellows and Foresters, as well as other friendly societies, in favour of getting into Mechanics' Institutes and club-rooms, economising as much as possible their spendings. Summed up in a few words, the opinions of all the speakers appeared to be, that these societies and clubs should be as safe as the Funds, and that if they were to move a resolution, they would be unanimously in favour of steps being taken for obtaining a proper registration of all societies, a searching audit of all societies, and also a publication of the accounts of all societies.

On the Best Plan of Construction and Arrangement of an Agricultural Labourer's Cottage. By Sir WILLOUGHBY JONES, Bart.

A LABOURER'S cottage in the rural districts ought to face the south, and they should be built in pairs. The walls ought to be fourteen inches thick, and have two windows, large to the south and small on the north side. The large

windows to let in the sun need be no additional expense, as wood and glass are cheaper than wall. The small windows on the north side keep out the cold. The walls ought to go up to the ceiling of the upper floor rooms; and no lucarne windows or any break in the roof, involving gutters, and thereby expense of construction and repairs, ought to be allowed. The chimney shafts should all be in the partition-wall, so that any fire burning will tend to warm both houses. The cottages should have each three bed-rooms, one sitting-room, and one kitchen and wash-house. If the third bed-room is got by subdividing the space over one of the ground floor rooms, the two bed-rooms so got are always too small for health or comfort, the smaller of the two being generally not more than six feet in its narrowest measurement. In looking over sixty plans sent in for Mr. Pratt's prize, at the last show of the Norfolk Agricultural Society, three-quarters of those sent in had this defective arrangement, and were at once disqualified in consequence. The third bed-room must therefore be external to the shell of the house, and the question is where it can best be put. Two plans suggest themselves—first, to build an external shed or wash-house, and carry it up to the first floor, with the bed-room over; or, secondly, to put the bed-room on the ground-floor. The plan selected for the prize, of which I produce a copy, had the bed-room on the ground-floor. At the end of each cottage a lean-to was constructed, divided by a partition wall into two portions. Of this, the half facing south was the bed-room, the other half the shed for fuel, tools, and other articles, a necessary adjunct to every cottage. The advantages of this plan are great. The bed-room, which has a large south window and a boarded floor, is a comfortable little apartment opening into the sitting-room. It is manifestly very valuable in case of illness, or of a woman lying-in, the fire in the sitting-room warming it, and the person sitting up at the fireside being in immediate communication with the bed-room, without having to carry things up and down stairs. When not wanted by an invalid, the ground-floor bed-room is very convenient for the boys of the family; and, lastly, when not wanted by the family, the ground-floor bed-room enables a lodger to be taken, without injury to the privacy of the house. This last consideration is very important. Out of consideration for the morality and decency of families, lodgers are prohibited in many cottages, and refused in others. This results in young men being compelled, when they leave their family home, either to marry at once, or else to lodge at a public-house. The wretched discomfort of this last alternative drives decent young

men into matrimony when hardly out of their teens, and before they have saved any money to begin life with. If they could as lodgers help the family expenses of some respectable small family, and at the same time not be a nuisance and injury to their hosts, the benefit in every way would be great; and this, the third bed room on the ground-floor makes practicable. The staircase in such cottages should be alongside of the fire-place in the front sitting-room; hence the only access to the back bed-room, where the daughters of the family are supposed to sleep, would be through the bed-room of the master and mistress of the house. Under these circumstances, any evil result from taking a lodger seems to be effectually provided against. I have long felt the great value of the ground-floor bed-rooms, and several pairs of cottages on the plan exhibited have been built in years past on the Cranmer estate. Experience has justified the high opinion I have formed of the plan. If the third bed-room be obtained by building an external shed, and carrying up the walls to the top of the cottage, the advantages I have shown to belong to the ground-floor bed-room are lost; while the expense of construction, owing to the extra joists for the floor and the increased cost of a high-pitched roof, is considerably greater. The increased expenditure of such an arrangement, was calculated by Mr. Boardman, the able and experienced architect who assisted Lord Walsingham and myself in deciding upon the best among the many plans sent in to compete for Mr. Pratt's prize, as at least 20*l.* The cost of these prize cottages we could not exactly state in the present unsettled cost of labour and materials; but the plan being simple and cheap, they ought not to exceed from 230*l.* to 250*l.* the pair, thoroughly well built with brick or concrete, or claylump faced with brick walls. The two latter description of walls are warmer and drier than brick, owing to the porous nature of Norfolk brick, which even in a fourteen-inch wall lets through a good deal of damp on the east and west gable-ends. The object of this paper being to lay before the Section what seemed to me to be a convenient, economical, and simple solution of the problem *how to construct a labourer's cottage with three bed-rooms*, I will not now discuss the other plans submitted or the objections we found to them. To do so would require a vast number of diagrams which I do not possess, and would tend, by a variety of plans and details that we considered objectionable, to diminish the clear apprehension of the arrangement I wish to support, and to which I am desirous to give publicity.

*Charity Organization.** By E. L. O'Malley, Barrister-at-Law.

No apology ought to be necessary for introducing the subject of charity organization to the notice of the Association. Some years ago, when the movement was quite in its infancy, a paper, setting forth its claims to public attention, was read before another congress. But at that time it was impossible to do more than to discuss generally the objects of charity organization, and the various suggestions which had been offered on the subject. Now, on the contrary, we are in a position to take note of substantial progress in the trial of a great experiment. Information has been collected, arranged, and as it were "focussed" upon the problem, the comparative results of different systems have been ascertained and analyzed, while in London and various parts of the United Kingdom machinery has been established and set in motion. We are able, therefore, to test the value of the theories and principles originally propounded by the light of practical work; while, as time advances and charity organization developes its scope and extends its operations to new fields, a fair occasion is offered for fresh criticism and useful counsel.

The first idea of charity organization was suggested by the study of a portentous social phenomenon. Year by year pauperism—metropolitan pauperism more particularly—was increasing with a rapidity that was at once alarming and perplexing. Thoughtful men cast about for the cause. They began by a careful examination into the growth and true character of the great mass of apparent poverty and distress that prevailed. They went on to review the nature and amount of the relief that was applicable to the task of meeting it, embracing in their inquiry relief from whatever source derived; whether legal relief, administered by the poor-law, or voluntary relief, administered by private persons or through the medium of charitable institutions. And they came to the conclusion that this relief, as they found it administered, was not able to cope with the evils of pauperism as they then existed. Worse than this, that if things went on as they were going, relief could never hope to grapple successfully with pauperism. Worse still, that relief administered as it was was not confined in its effects to the negative result of not doing good, but that it had the positive effect of aggravating and creating anew the very mischief it was intended to assuage. They went a

* See *Transactions*, 1872, p. 228.

step further, and they recorded as the result of their observation the conviction that the inadequacy and positive mischief of the action of relief, as applied to pauperism, was to be attributed, not to any deficiency in the amount and resources of relief, but to a deficiency in the method of its distribution.

They said, in effect, that there was:—Want of discrimination in the process of administration; want of proper means for distinguishing between deserving and undeserving subjects for relief; want of proper machinery for bringing the abundant wealth and abundant liberality of the rich into wholesome and effectual contact with the wide-spread and many-sided wants of the poor; want of judgment and well-directed solicitude rather than want of money; want of brains rather than want of pocket; want of co-operation; want of system. The recognition of these wants was the foundation-stone of charity organization, and to supply them is the purpose to which it is devoted.

What were the facts? As regards pauperism, it was known that during the ten years from 1860 to 1870, pauperism in England had increased from numbers represented by 844,000 to numbers represented by 1,032,000; and the corresponding cost of poor relief from 5,454,000*l.* in the former year, to 7,673,000*l.* in the latter; while in London the increase in numbers for the same period was from 85,000 to 120,000, and the increase in expense from 796,000*l.* to 1,415,000*l.* During the last four years of this period the increase for the poor-law expenditure in some of the south-eastern counties was 23 per cent., while in London it reached the astonishing proportion of 56 per cent.; or to take a third period, and to put the matter in another way, whereas in 1858 pauperism included only 3 per cent. in the population of London, in 1868 it included 5 per cent., or one person in every twenty. Nor was it numbers alone that aroused attention. It was perceived that as the disease spread the population showed a growing susceptibility to its attacks, and the victims a greater intensity in their symptoms. Actual or collusive desertion of families in order to throw them upon the rates was said to be becoming common, and, under the action of some mysterious influence, habits of industry, thrift, self-respect, were losing their hold upon the poor.

Turning from pauperism to the poor-law, they observed its action and they noted other facts. I have mentioned the large funds at the disposal of the guardians. What was to be thought of the system upon which they were administered? With regard to this strong opinions had been expressed. It

was said by Mr. Edward Dennison, who had a better title to speak on the subject than most men, that the guardians of the poor had acted upon a policy of short-sighted economy, assuming that the fewer the inmates of the workhouse the smaller would be the expenses incurred. They got into a way of offering small doles of out-door relief to those whom they knew they ought to have taken into the house. Embarked upon a system of out-door relief, without any protection from workhouse or labour test, they found it difficult to stop. The lock was off the door, and there was no means of discriminating applicants, who naturally increased when it became known that anyone, whether deserving or undeserving, might obtain relief, provided he were lucky. Then came a natural reaction, the barrier having been pulled down, which excluded only the unworthy, a new one had to be put up, and one was erected which had the effect of including all alike, or at least let no one more than half in, and so little relief was given that it became a mockery. And again, an Edinburgh committee, reporting upon the same subject, and with ample opportunity of observation, declared that the operation of the poor-law, making no distinction between the poverty resulting from misfortune and from vice, had, amongst other drawbacks, a tendency to diminish industry, to make the industrious support the idle, to diminish frugality and provident habits, and to increase enormously the numbers and expense of the poor. Testimony to the same effect might be multiplied indefinitely, and whether or not the opinions thus expressed were exaggerated, they were largely held. It was a fact that the action of the poor-law had been marked by alternations of deliberate laxity and desperate severity; that that law did not even profess to attempt any permanent improvement in the condition of the poor; that its operation, to a great extent arbitrary and mechanical, allowed little if anything for the varied circumstances and feelings of individual cases, taking note only of the mere fact of destitution. Whether these facts were enough or not to account for failure, there were many who believed what was said of them by way of sad commentary—that the main function of poor-law administration had come to be to contrive how it should do as little harm as possible. The reasonableness of the despair thus expressed has been questioned. Some have stoutly denied the imputation as involving a reflection upon the principle of the poor-law; some because it seemed to throw a slur upon the administration of it; both alike failing to see that it did not necessarily reflect much discredit upon either the one or the other. For might it not

be that much of the real cause of failure, if failure there was, was to be found in the isolation in which the poor-law had been left to do, not its own work only, but much more than its proper work, owing to the demoralized and impotent condition of its natural and necessary ally, private charity? Might not the break-down be attributable in a large degree to a hopeless attempt on the part of the poor-law to deal with cases of a class which were beyond its province—fit subjects only for the assistance derivable from the voluntary alms of the community, but left unheeded and unaided by those who were naturally responsible for them?

They turned then to the facts, the enormous facts as they have been styled, of London charity. It was found that apart from relief from the rates the amount given away every year in London, and applicable in one way or another to the relief of distress, reached a sum of from four to five millions, without reckoning what was expended by endowed parochial charities and charities administered by the city corporation and by city companies. A calculation upon this basis showed that there was thus enough, when added to the poor rate, to feed and clothe no less than 400,000 paupers upon a liberal scale—more than enough, that is, to provide for the wants of every person who could by any possibility be considered in a state of destitution. From the fund they turned to its administration, and they found that the waste was more than proportionate to the abundance of the source. The administration consisted in fact of an infinite variety of separate agencies, each acting in its own way and in complete independence of the rest. Private individuals and charitable institutions alike undertook their work of all kinds without caring to inquire, or if they cared to inquire without being able to ascertain, whether the field was already occupied. Vast as were the sums undoubtedly intended for those whose distress left them properly outside the action of the poor-law, there was no means of securing an equitable distribution, so that in some places there was an entire drought of assistance, while in others there was a positively dangerous overflow. That exercise of discretion which should form an integral part of every charitable act was entirely wanting. It had long been impossible for individuals to exercise it in any reliable way for themselves, and division of labour, which in regard to other social duties provides an organization to do for the individual what he has ceased to be able to do for himself, had done nothing here. This was, indeed, the root of the mischief, but it was necessary to trace it to its actual results. First, there were the abuses connected with poor-law

relief, admitted to be in some degree referable to the shortcomings of charity. Then it was found that heedless alms indiscriminately bestowed in the metropolis were attracting thither a vast multitude of idle men, who preferred to live at the cost of others rather than by their own labour, and creating an army of mendicants, not merely street beggars, but impostors of another class. The effect of many agencies working in the same field without mutual check or inquiry was doubly mischievous. It involved a waste of expenditure in an undue multiplication of staff, of printing, and of official work, and it put a premium upon dishonesty, since it made it possible for clever impostors to obtain half-a-dozen supplies from as many different sources without detection. These evils were pointed out by some authorities of the highest character. Lord Derby, the Bishop of London, and the Bishop of Winchester insisted upon them over and over again in forcible terms, showing how the poor were in danger of being corrupted, the rich of being rendered hard-hearted, and society itself of losing its brightest and most Christian ornament. A host of other abuses were also pointed out, connected not so much with the failure of charity to reach its objects as with the application of charity to objects in themselves hurtful. To discuss these latter might invite more controversy than enough. And it is time now to see how charity organization set about its work. And here, perhaps, I ought to say that though the work in London is that upon which I must rely mainly for what is matter of fact and history, most of what I have to say as to theory and principle is intended to apply to charity organization as a general movement independent of locality. The need for it is more pressing in London than elsewhere, but it is fair to look to other places where the difficulties are less, to point out the path of usefulness by experiment, and to show in various ways to what perfection of result the common principles may be made to conduce. Edinburgh and some few of our large cities have set an admirable example in this way, and it must not be supposed that I wish to ignore their work, if for the sake of simple arrangement I confine myself very much to London.

It was determined—1. To bring about a real co-operation between the charities and the poor-law, and amongst the charities themselves. 2. To secure investigation and fitting action in all cases. 3. To repress mendicity.

And the following axioms, regarding what might be and what ought to be done, were substantially adopted:—

1. That all cases of distress were assignable to one or other

of two classes, between which a distinct line of demarcation should be drawn.

2. That those classes should consist respectively, the one of all cases fit to be dealt with by private charity, including those of the deserving poor suffering by no fault of their own, needing such relief as the guardians are forbidden to give, or likely to be permanently helped by temporary aid; the other of all cases fit only to be relegated to the stringent rules and discipline of the poor-law, all vagrants, tramps, professional beggars, and persons of the hopelessly shiftless and reckless kind.

3. That as regards those of the former class, every effort should be made to help them in a spirit of generous indulgence, to keep them from coming upon the rates, and, where possible, to encourage them to regain their independence; and that as regards those of the latter, they should be left to the strict administration of the union, beggars, vagrants, impostors, and such like, being hunted down and punished.

4. That charity and poor relief should work exclusively in their appropriate spheres.

5. That within the sphere appropriated to charity there should be no cross action, whether of individuals or of associations; no overlapping of relief from different sources. Complete harmony instead of blind competition between the various agencies employed upon common work.

Further, that though indiscriminate charity was a bad thing, charity itself was an absolute necessity, and that as the only condition upon which those who were inclined to give could be asked to forego the practice of indiscriminate giving, they must be furnished either with a ready means for themselves discriminating the deserving from the undeserving, or with the best possible security that the work would be efficiently and economically done for them, and done with such care as at all events to insure the really destitute against possible neglect.

Several attempts were made to give effect to these principles. As might be expected, when the difficulty and novelty of the undertaking is considered, there were some episodes of failure and disappointment. In 1866 an association was formed for the more effectual concentration of charitable effort in the metropolis, which brought together a few zealous reformers, but little followed in the way of practical result, and the attempt is interesting only as showing the first definite action to which the idea of charity organization gave rise. In 1868 a fresh attempt was made, and a society for the "Prevention of

Pauperism and Crime" was projected. This also was in turn abandoned, and finally the society for "Organizing Charitable Relief and Repressing Mendicity" was founded and set to work. This association, better known at present under the name of "The Charity Organization Society," has now been in operation for some four years. Among its supporters it embraces almost all the promoters and adherents of those societies which preceded it. In its general plan of operations it appears to give effect to those ideas of charity organization which I have mentioned above, and in its policy, as recorded from year to year, we find evidence of a determination to apply its resources to every problem practically connected with the administration of charity, and the improvement of the condition of the poor. The society, as I have said, is not by any means the only one that works in the interests of charity organization, but its action may be considered sufficiently representative for the purposes of discussion. It has sought to attain its objects in the following way.

Taking the poor-law division as the limit of its operations, it has brought about the formation of a committee and an office in each of the thirty districts comprised within the metropolitan area. These committees are intended to be recognised—1. As centres of charitable operation to which all persons seeking assistance out of the funds of private benevolence may be referred in the first instance. 2. Centres to which all charitable agencies at work in the districts should afford full information, and from which they should receive it in return. 3. A medium of communication and interchange of information between the agencies of charity and poor-law. With a view of making the committees as effective as possible for these purposes, it was proposed that they should comprise, besides others, representatives of the boards of guardians, and of the various charities at work in the respective districts, together with the clergy and ministers of all denominations. In some instances this has been to a great extent accomplished, but there are difficulties in the way, and it must be some time before the committees will reach the ideal standard of composition. Over the federation constituted by these district committees there presides a central council, whose function is to regulate their general principles of action, and so much of their policy as is matter of common interest. This council consists of representatives from the various committees, certain ex-officio members, representatives from certain metropolitan charities, and some additional members who play the useful part of ministers without a portfolio.

The committees, through their agents, collect particulars

as to the action of the charities in the district, and keep them in an accessible form, receive applications from persons referred to or coming to the office, and investigate their cases, and keep up communication with the relieving officers. They meet at stated intervals, once or twice, or oftener, each week; consider the cases, and either refer them back with full information to the person or institution who has desired the inquiry before giving assistance, or if there be no such person, then, either refer them to some agency for which they are fitted, or take them in hand and deal with them themselves. Lastly, a record of every case is kept in the books available for the information of the society itself, the poor-law guardians, and others to whom it may be useful.

It is very difficult to give in a few words anything like an adequate idea of the extent of the work done in this way, or of the efficiency and completeness with which it is performed. The best way, perhaps, is to take the tables compiled from the reports presented weekly by the district committees to the central council during the last two years, reminding you that the statements contained in them profess to be the result of careful investigation, and are vouched for as such by a weight of character that makes them unimpeachable.

We find, then, that taking the aggregate of cases and dividing them as they are divided in the reports, into 1. Cases dismissed. 2. Cases referred to various sources of relief. 3. Cases dealt with by the committee themselves, either by grant or by procurement of assistance, we have

Under Head 1.	
Cases dismissed as not requiring relief	818
" " " Ineligible	1083
" " " Undeserving	1150
" " " Giving false addresses	286
Total	4237
Under Head 2.	
Cases referred to the Poor Law	1482
" " District Agencies	1101
" " Private Persons	770
" " Charitable Institutions	556
Total	3909
Under Head 3.	
Cases assisted by Grants	2446
" " " Loans	828
" " " Employments	295
" " " Letters to Hospitals	358
" " " Labour Register	433
Total	4360

making a total of cases inquired into and dealt with of 12,506 in the course of the year. As compared with this, the results of 1872, under the same three heads, are respectively 4,910, 4,684, 5,780, making a total of 15,374. When it is remembered that of these totals, amounting together to 27,880, 12,042 have been dismissed or handed over to the poor-law as undeserving of charity, and 15,838 have either been approved recipients of charity, or have been put in the way of helping themselves, and that in all instances a record has been compiled of the particulars, a record available for repressive and police no less than for charitable purposes; it will be allowed that there is something to be said for the diligence and energy which the idea of charity organization has brought to bear on its work.

I must pass on now to notice some of the objections of theory and prejudice which have been urged against the movement. The first and gravest of these, whether from the character of those who make it or from the influence which they exercise, is the objection on the part of the clergy. The Bishop of London, the Bishop of Winchester, and many other dignitaries of the Church have given eloquent support to the movement, and many hard-working clergymen, for whom the study of pauperism has been a life-long occupation, have entered into it heart and soul, but there is still a great amount of active opposition and of half-suspicious indifference to be got over. But though I have heard it said of some clergymen that they positively hated the notion of charity organization, and though I know of cases where they steadfastly refuse to have anything to do with it, I cannot say that I have ever come across any lucid statement of the grounds of objection. Something must be set down to the position which the clergy have held and still hold in the economy of charity. Formerly, directly or indirectly, all charitable relief might have been said to pass through their hands. It was the Christian minister who fostered the spirit of charity and himself gathered its fruits to bestow upon the poor. The influence thus acquired was sometimes abused and perverted to sectarian objects, but on the whole the clergy were the natural and proper ministers of charity. They were not only better able than any other body that existed to superintend the judicious distribution of alms, but they were, in fact, the only organization capable of doing it at all. But society has long since passed out of that stage, and the clergy are perhaps a little unwilling to recognise the altered relations in which they now stand to charity and poverty. The clergy of the Church do not now as formerly

monopolise the direction of pious works, and instead of being the sole agency for that purpose they hold but one place among many of a like kind, and whatever there was of inducement in the old state of things to pervert almsgiving to ulterior purposes has increased a hundredfold. Rival sects, instead of trusting to spiritual influences alone for the success of their ministrations, have been tempted—and have yielded to the temptation—to corrupt their emulation by resorting to the bribery of loaves and fishes. The system is a bad one for all concerned. The weight of embarrassment and personal perplexity which it throws upon the shoulders of the clergy, in London certainly, and in the east end more particularly, is becoming a subject of earnest protest, and the truth is forcing itself upon many minds that the clergy and religious ministers of all kinds ought to be relieved of the difficulties which the duty of temporal relief now imposes upon them. The relation between minister and people is indeed completely altered. The numbers of the poor have outgrown all knowledge, and the disciplined religious forces, reduced in many places to the condition of missionaries of light in a semi-heathen population, are utterly unable to superintend any system of discriminate almsgiving.

Again, charity itself has undergone a change. Formerly it was a kind of garden fruit gathered by the clergy from a somewhat savage and inhospitable soil. In our day, under Christian influences, it has become almost an indigenous plant, and the growing needs of the poor are met by spontaneous harvests of benevolence so bountiful that we must needs look about for fresh hands to reap and distribute the plenty. For the harvest will be gathered whether we will or no, and the only question is whether it shall be left a prey for every passer-by, rich as well as poor, or whether we shall provide a recognised body to reap and garner it for distribution to the really needy. There are some who maintain that the clergy are the right people to do this, and who look upon temporal assistance as not only a legitimate but even a necessary handmaid to more distinctly religious influences, and with such I will not presume to argue. But for those who maintain merely that so long as they have the disposal of charity they are bound to exercise it, I submit that if it can be shown that the system under which they retain it is full of abuses in general, however well it may work in particular cases, and the question is between them and a better system, they should at least allow the latter a fair trial. Let the clergy still do all they can, for without them nothing really can be done. But let them give the benefit of their aid

to a wider effort than any they can undertake alone, and be content merely to have their influence in this matter valued for its legitimate weight and stamped with the sterling mark of efficiency. The least we can ask of them is that in distributing alms they should avail themselves of the best possible machinery for ascertaining the truth of such cases for charity as they meet with. Nor must we allow them the excuse that it is impossible to discriminate accurately as a reason for treating certain personal and sectarian qualifications as passports to charitable aid.

It is said, again, that those who voluntarily give their money to charitable objects like to give it in their own way, or at least to place it for distribution in the hands of those with whom they have some special sympathy, or in whose judgment they have some special faith; that this preference must be admitted and indulged, and that so much at least must be conceded to that selfish human pleasure which men take in watching the work of their own hands, otherwise almsgiving would lose one of its most potent incentives. And it is nonsense, we are told, to suppose that while so large a proportion of alms are solicited and bestowed avowedly for special purposes, the fund of which they form a part can be treated as so much plastic material, to be moulded to the very general purpose of relieving deserving distress as a whole. The answer to this seems to me to lie in a simple reiteration of what charity organization aims at and what it does not aim at. What it does not aim at is that the benevolent should cease to have complete control over the administration of their funds, or that individual action should be in any way restricted or put aside. But remembering that charity devoted to special objects, if it be real charity, is none the less devoted to the relief of distress, what it does aim at is that those who do give their alms to special objects shall see that they are given only under proper conditions, so that their special efforts harmonize with the general good. It is hard to see how any action deserving the name of charity can refuse to concede so much at least, and if so much is admitted, it is equally hard to understand what ground can be left to those distributors of alms who refuse to avail themselves of the assistance, or, at least, of the information, offered by such a system as charity organization. The charity of such persons is, to say the least of it, very selfish, even if it does not remind us of the conduct of those who sold their goods to help the poor and then kept back part of the price.

There is another point of view from which it may be worth

while to regard this kind of objection. Charity, like every other part of conduct in a free state of society, must be regulated by the great principle of liberty which requires us so to pursue our own objects as not to injure others. Every possible indulgence should be shown to the eccentricities of so admirable a virtue as charity; but when we find that under the guise of charity positive harm is being done to society, we may be sure that folly or selfishness have got the upper hand, and we have a right to withdraw our indulgence. I do not at all go the length of those who, on the plea of utilizing to the utmost endowments devoted to some special purpose by good men of old, are promoting legislation with a view to confiscate them to general objects. There is all the difference in the world between what would justify the State in interfering to make a useful or a harmless thing more useful, and that which will justify it in interfering by legislation to put an end to an acknowledged mischief. We say nothing here of legislation; but surely if isolated and therefore conflicting charitable effort can be shown to be productive of mischief, we have a right to appeal to public opinion to declare itself on the side of organization. Anyhow, there are signs of a growing feeling that the administration of funds contributed by the benevolent is a matter in which public policy as well as private privilege has its part, and so far a movement which seeks to promote the co-operation of charitable agencies to a common end may well hope for public favour.

Having said this much with regard to the primary aspects of charity organization, let me now notice some of the collateral objects which have been added from time to time as fresh features in the programme of its policy.

One of the first of these has been the suppression as far as possible, or at least the better regulation, of night refuges. That the facilities afforded by night refuges and casual wards offer a direct premium to vagrancy, and through vagrancy to that large amount of crime of which it is the parent, is just one of those facts that people who have taken no pains to regulate their charitable sympathies by the light of common sense are least willing to accept, and to them it seems that to curtail the accommodation of the houseless poor is a last outrage upon the rights of Christian hospitality. And yet to those who have looked at the evidence there is scarcely any fact connected with pauperism that is better established. The statistical items go far to prove it. On the lowest possible calculation 40 per cent. of vagrants belong to the criminal classes, while the number of real wayfarers among the fre-

quenters of casual wards is never 6 per cent., and rarely more than 1 per cent. Out of such materials is composed an army which in 1869-70 was reckoned at no less than 60,000, wandering over the face of Great Britain and enjoying the hospitality afforded by 5,648 tramps' lodging-houses, besides casual wards attached to nearly every workhouse. Is it surprising that out of these numbers, or some not unlike them, more than 15,000 were convicted in 1871, either as beggars or as rogues, or for other offences under the Vagrant Acts? These are the ladies and gentlemen whom some people seem to regard as fair counterparts to the Lazarus of the parable, and charity organization, in seeking to lay a heavy hand upon them, has certainly something to complain of in a lack of intelligent sympathy from the benevolent. The Local Government Board have, indeed, seen the wisdom of the policy advocated, and casual wards are much less numerous and much more difficult than they were, but as yet the managers of voluntary institutions seem hard to persuade. It does not do to generalize from single cases, nor have I time, or I might give you some startling revelations from the diaries of hardened vagrants, proving the necessity for reform in this matter.

Another subject to which attention has been called is the abuse of medical charities. It was found that a large proportion of those who obtained gratuitous advice and out-relief at hospitals and free dispensaries, were of a class perfectly able either to pay for what they got, or to put themselves upon the footing of subscribers to a provident institution. Here was an instance where the investigating machinery of charity organization might be made a means of discriminating between those who ought and those who ought not to be admitted on a free footing. In some cases the assistance has been accepted for the purpose, and has made the way clear for a further step. Free dispensaries have to some extent organized themselves on a provident basis. The result is that the really poor get what, in the view of the benevolent, poverty entitles them to, while those who ought to provide for themselves are taught to do so. In time it is possible that the movement may extend, and then, it is said, we may hope to see provident dispensaries affiliated to hospitals, and weekly subscribers insuring for themselves the best of medical advice without any sacrifice of independence. I do not know that there is any other department of relief in which as yet the attempt has been made to engraft a provident upon a free system; but the idea seems to me not only a really sound one but a great one, and one which, if well worked, is destined to play, perhaps, a larger part than any

other in promoting an improvement in the habits and condition of the poorer classes.

Another work taken in hand has been to remedy the evils connected with the system of voting charities. Sir Charles Trevelyan, one of the first promoters, as he has been one of the ablest and most earnest advocates, of charity organization, has identified himself with this subject in a special manner, and whether or not the remedies he proposes be accepted, he has pointed out the mischief of the present system from the charity organization point of view in a way that must needs attract attention. It is bad enough, as he remarks, that in the process by which these charities are made available to relieve distress there is an entire want of independent scrutiny into the cases, and an utter absence of systematic comparison between the merits of different claims—advocacy in its extremest and least responsible form of popular election being invoked, instead of justice, to guide the selection. It is worse when we find that in the result benefits are conferred, not upon the most helpless and friendless, but upon those who have the most numerous, active, and wealthy friends. Nor are these the only vices of the system. Repeated contests, involving repeated failures for most of the candidates, entail an amount of accumulated suffering, anxiety, exertion, and expense, only less cruel than the final disappointment by which they are often followed. For one case relieved many are aggravated, and against the pecuniary benefit conferred upon the elected, we have to set off the immense waste of time, money, and personal effort expended upon canvassing. More than this, it has been well pointed out that the whole system is tinged with hypocrisy, and that it involves a parade of benevolence which cannot be carried out. The very essence of it is the failure of the unsuccessful. They are the victims on which it feeds, and their money and that of their friends spent in fruitless efforts for admission is a source of provision for others. Besides this, it may seem indeed a small evil, but it is none the less a real one, that habits of steady work are too often broken up by the dissipation of vote-hunting, and that this occupation becomes in time a regular passion.

It has been proposed to remedy the evil by substituting as a selecting body a committee so chosen as to secure a real representation of the subscribers, and I have only to add that the principal objections to any such change appear to be prompted by a single eye for mere money considerations, and by the notion that the amount of funds subscribed might possibly be diminished, to show how singularly appropriate is

the opportunity afforded by the whole subject for an application of the principles of charity organization.

Another object again is the detection and suppression of fraudulent charities. The mischief from this source is more extensive and more difficult to grapple with than many people suppose. The case of institutions with purely fictitious objects, where the whole of the money subscribed goes into the pocket of some so-called secretary, is neither the worst nor the most frequent. The real difficulty arises where there is some colourable object, however small. The man who goes about collecting money and obtaining 500*l.* a year of subscriptions in behalf of what he may choose to call an orphan-home, when there is really no such institution in existence, and puts the whole of the money into his own pocket, can be brought to book with comparative ease by the criminal law. But if instead of there being no such home, he is cunning enough to take a cottage and provide, say at the rate of 20*l.* a year, for two orphan children, and pocket the remaining 480*l.* per annum for his own salary as secretary, he is much harder to reach. There is no doubt that there are a vast number of institutions to be reckoned in this category. In some, all you can say is that what with house accommodation, and salaries and sundries, the staff of the establishment have a comfortable berth of it, and monopolize an undue share of the funds. Then follow a multitude in which the balance between a regard for the interests of the promoters and those of the patients preponderates more and more in favour of the former, till you come to the last and worst cases. It is very hard to say where mere negligence and selfishness stop, and where deliberate misappropriation and crime begin; nor does there seem to be any prospect of checking the evil, until charitable people can be induced to insist upon a reasonable and business-like security for the proper expenditure of their gifts. The great thing needed is a regular publication of accounts, and the existence of some recognised local habitation in connection with every charity, where the books and names of subscribers and vouchers for expenditure can be inspected at will. A bill was brought in by Lord Shaftesbury, at the end of last session, with the concurrence of some at least of the promoters of charity organization, having for its object to make something of this kind compulsory in all cases. The desirability of the object was admitted on all sides, but the means proposed were condemned, and I venture to think condemned with justice, as being too sweeping and indiscriminate in their scope.

This much, at least, charity organization has attempted

for the reform of abuses. On the other hand, it has not been idle in the work of suggesting and initiating improvements.

Migration and emigration of labour are subjects upon which political economy and philanthropy have had a great deal to say. Some have regarded them as the all-sufficient solvent of poverty, others look at them much as modern doctors do at the old practice of bleeding. The truth probably lies between the two extremes, and charity organization, without committing itself to either view, seems in a fair way to take advantage of it, whatever it may be, by a practical and impartial experiment. Its object has been to render information relating to the labour market as accessible as possible to the poor; and while it has avoided anything like a general movement, it has not hesitated to encourage individual cases of unemployed labour in London to move to the manufacturing districts of Lancashire and Yorkshire, where there was need and room for them. The mere offer of the opportunity is in some cases an excellent test of the *bona fides* of an applicant for relief, and the actual results where the thing has been done have been for the most part successful. Such information is most desirable, whether collected upon commercial principles or from benevolent motives. Its value has long been appreciated by those who superintend the class interests of labour, and the more freely it is disseminated from various sources the less liable it will be to abuse.

Again, the sanitary conditions of the dwellings of the poor are subjects which necessarily come within the cognizance of those who are digging about the roots of want and pauperism. The function of charity organization is here not so much to procure information as to point the moral of what is already known, and to cut out a straight path, if it may be, through the crowd of disorganized and aimless interest now bestowed upon the subject.

There is yet another most important work in which charity organization seems disposed to engage, and in favour of which Sir Charles Trevelyan has already urged the most powerful arguments. I allude to the systematic visitation of the poor in their own homes. The desirability of this from the point of view of efficient charity has been proved by actual experience. But might it not be possible to go a step further, and to engraft something of the system into the working of our poor-law administration? What is known as the Elberfeld system, carried out at Elberfeld, not far from Dusseldorf, in Germany, is perhaps the most perfect illustration of the principle, but the same thing is to be seen more or less fully developed at Boston, New York, Edinburgh, and in the Jewish community

of London; and the immense advantage of subdividing a union into small districts, assigning to a few guardians in each the duty of visiting the poor in their homes, has been shown in Poplar so clearly that the only wonder is that the example has not been more largely followed.

There are many more kindred objects upon which it is impossible to touch in detail. You will ask, perhaps, what results I can point to as directly attributable to what has already been done? My answer is that charity organization works with and through other agencies, and that so long as good effects accompany its labours, it is not very particular to claim its own share of credit. Pauperism is diminishing, and the condition of the poor is becoming in many respects better than it was, and this is quite enough for those who have the objects of charity organization at heart. And for the future, suffice it to say that the path of progress is marked out by pressing problems, each of which must be dealt with in its turn, and all in a spirit of loyalty to the great principle of charity organization—that the elucidation of truth is the only sound basis of action.

In conclusion, let me observe that if there are grounds for hope in the prospects of charity organization, there are also dangers to be carefully avoided. It must beware of admitting anything of the narrow and arbitrary spirit of the doctrinaire to its counsels. It must bear in mind the wise remark made the other day by Mr. Forster, at Bradford, that the practical politician has to deal with a high amount of friction, which clogs and interferes with his efforts. It is not enough to announce the laws of charitable any more than of economic science. You have to deal with free will, and with the power of exercising it, and of refusing to obey those laws which you explain. Public approval must be won and kept by the slow but sure working of conviction. Charity is a virtue which cannot be manufactured, neither can it be tampered with. Like a fresh stream descending from the mountains, we may use it to turn our mills and fertilize our soil as it flows on; but if we seek to dam it up it will grow dull and stagnant. Charity organization must resist the temptation of seeking its ends by legislative interference, if it would pass unharmed and unsuspected upon its useful mission over the battle-ground of contending theorists. If it would assert its views and procure a triumph for them, it must rely solely upon the force of truth, accompanied by the graces of tact, conciliation, and patience.

I need not say that if it work in this spirit, there is no limit to the good it may do in promoting a community of

interest between rich and poor, and in binding them together with the bond of a common sympathy. Whether I am too sanguine remains to be seen. But, speaking as I do, and as little more than a spectator, imperfectly informed on many points, I still do hope for great results, for a time when the value of discriminating action will be fully understood, and when justice shall be recognised by charity and poverty alike as their best friend.*

The Employment of Married Women in Manufacture. By W. Cooke Taylor, Inspector of Factories.

I MAY as well proclaim the purpose of this paper at the outset, which is to repudiate some suggestions that have lately been put forward for further artificially limiting, or altogether abolishing, the labour of married women in manufacture. I propose to exhibit the principle of these propositions in its true light, to examine their probable practical effects, and to discuss the question generally, but especially in relation to the position of the women themselves, whom I conceive to be the persons principally concerned. I am aware that in so viewing the principal issue, I am in antagonism with many worthy persons who regard it otherwise, in viewing the prospects of such women's offspring as the real matter in debate, and I shall by no means ignore so respectable a body of opinion as they represent. At the same time, until it is proved that the women employed in manufacture are habitually and necessarily worse mothers than the women employed in agriculture—and the women employed in domestic service—and the women employed in amusement and self-indulgence—and the women unemployed in idleness—and all other women, we have no right to assume it, and this has never been done, or even attempted. The principle involved then is not, I contend, the regulation of feminine employment in the interests of posterity, but the regulation, in the way of curtailment, of a particular employment, irrespective of any proved reason for its selection from amongst all others.

Two suggestions have lately been made with authority for further limiting by law the labour of married women in factories: the first, the sufficiently comprehensive one, that it should be abolished altogether; the second, the less consistent one, that it should be diminished by one half. When a young woman engaged in a manufacturing process, shall henceforward bestow her hand and heart on a young man similarly employed, she

must bestow these invaluable gifts unaccompanied by any coarse recommendations which her skill or industry in securing a mutual subsistence might supply; she must live henceforth for love alone, while he provides the necessary aliment. This is the pretty and primitive proposal. The hardy operative goes forth like the hunter of old to secure the daily meal, while his gentler consort devotes herself at home to adorning the humble dwelling—say in Wigan or Staleybridge—or to cooking persistently till his return. A numerous progeny grows up about the happy pair; and these are not suffered to roam the streets unkempt, like nasty vagrant boys and girls, but are diurnally sent forth soaped with care, combed, and brushed, clothed, and in their right mind. It is no wonder that so seductive a picture of domestic happiness, especially when taken in connection with the usually uncongenial surroundings of the manufacturing districts, should have deeply impressed some philanthropic minds, and charmed them into the belief that it was capable of realisation, and desirable could it be realised. Viewed also as a standing protest against the notorious self-seeking and avarice of young bachelors of the present day, it has strong claims on our sympathy; nor on the mere ground of consistency is it without some merit. Here is realised in practice that for which so many of our social philosophers contend as the natural relation of the sexes—the man the sole bread-winner, the wife and family wholly dependent upon him. Unfortunately, in the arrangement, no provision seems to be made that sufficient bread shall be won! It is, at first sight, a very humane sentiment, no doubt, to assert that married women should be relieved from all hard work because of the duties which maternity casts upon them; but when, at the same time, you relieve them of some fifteen shillings a week without providing any substitute, you must not be surprised if they themselves do not view your condescension in the same light, or if there is a very different light in which, in this rude practical world, it must be viewed. What of the wife with an invalided husband under such circumstances? is she to stand aside with folded hands while her husband and children die before her,—she, full of energy and ability to stay their fate? What of *any* warm-hearted woman with young mouths to feed, and little, very little, to put within them? I hear a great deal about maternal instincts in this matter, and of the brutal conduct of mothers who imperil the prospective health of their children by occupying themselves with other than maternal cares. But far more brutal would be, in my mind, the conduct of a woman who, with the ability and necessity to work for her offspring, would

forego doing so; and infinitely more inhuman the law that would prevent, than the law that would permit it. Nay, so much confidence have I in that maternal instinct which my opponents in this matter so eloquently extol, that I do not believe that the true mother yet lived who would not somehow evade, or if necessary ignore, the law that would step in between her infant's life and herself. I ask, should we make such a law then? Would we dare to uphold it if it were broken?

But the proposal as it stands is in its very elements a conspicuous and transparent folly. All married women are not necessarily mothers; nor are all mothers always married women. What of the childless wife, of the unwedded mother?—how is the law to deal with them? In the first instance there will be no children to take care of, in the second none but the mother to earn their bread. Are they to starve for their mother's fault, or is this mother to be allowed to work because she is not a wife? One might almost fancy that the propounders of such a doctrine had devised it as an elaborate attack on matrimony, were it not that they are men far too eminent and estimable to be guilty of any unworthy action, such as I trust the majority of my listeners would agree with me that this would be. It has been said that the late Lord Campbell, by writing his "Lives of the Lord Chancellors" added a new terror to death: should these gentlemen succeed in their design they will certainly have to bear the odium of having added several new terrors to marriage, at all events in the manufacturing districts. The feelings of a susceptible factory hand of the female sex upon balancing in her mind the comparative values of her lover and her loom may, doubtless, be "easier imagined than described," though neither process seems to my mind easy; but who could measure the depth of calculation that would become one of the sterner sex before deciding on domestic joys? In truth, I believe that under the circumstances supposed but few marriages would take place, or at least would ever come to light, and that our manufacturing population would reach a point of attenuation of which not even Malthus ever dreamt; or—what is more likely—would remain pretty much as it is, with this exception, that very many more children would be born out of wedlock than in it. If this be a desirable result, then the proposal is not without one argument in its favour.

The matter is not mended by supposing that it is mothers (not only potential but actual) that are meant by married women, or that the law cannot recognise the existence of unwedded matrons. Accepting this for the moment as the correct meaning of the proposal, a whole vista of difficulties displays

itself at once. Why should mothers alone be deprived of the ordinary rights of citizenship? why more than fathers, or spinsters, or anyone else? What intolerable infamy attaches to that position that the possession of it should remove her at once from the class of free agents, congeal within her all industrial energies, and devote her for all time but to one set of menial offices, and another of mere instinctive duties? And what is to become of children born into the world whose mothers are not to be acknowledged as such? The children surely must be provided for somehow, and if not by the mother then by someone else, which is one of the very evils now complained of that the new law is to rectify! I should greatly fear that but too many women would be found unwilling to bear the honourable burden of maternity at such prices as the above; that that saddest of all sins, Infanticide, would assume proportions of which we have not now even a notion; and that a destroying angel of a darker shade than ever yet visited this earth would arrest the lives of little children, even ere their birth, and poison nature at its founts. You will easily excuse me, I am sure, if I glance but hastily at this delicate and painful subject, but none can be ignorant of what I mean. I put it to anyone acquainted with the facts about our manufacturing population, nay, I put it to anyone unacquainted with these but acquainted with mere human nature only, if the prohibition on mothers to earn under any circumstances their livelihoods in the manner to which they had been accustomed, would be any other than a premium upon nameless crimes—nameless that is to polite ears, but very familiar as detestable offences to members of our legal and medical professions. Even in a modified form I see a grave objection here in the way of the more reasonable proposal of subjecting women to an enforced temporary absence from factories both immediately before and after their confinement. I believe that many reprehensible artifices would be employed to evade such a law, and that its enforcement would be a most dangerous and difficult matter. While, however, I should look with much anxiety upon the application in practice of such an expedient, I do not pledge myself to the opinion that the objections against it would be insuperable, considering the extreme importance of the interests at stake.

But if there seems to me something eminently monstrous about this proposition which I have examined, there seems to me something infinitely ludicrous about the next. It is suggested that the manufacturing industry of married women shall not indeed be abolished altogether, but that it shall be curtailed by one-half. Women, like children, are to work as "short-

timers," that being, I may inform you, the technical term. Now the charm of this suggestion is not fully apparent without a brief historical retrospect. In 1833 the first regular Factory Act was passed for generally controlling the labour of children and young persons in factories. At that time it was not considered that the labour of adult women required limitation; but a more chivalrous generation was to succeed. In 1844 the polite theorem was broached for the first time, that a woman being of course (as everyone knows) always young, should be allowed a legal standing to that effect, and classed under the Factory Act as permanently a young person, that is, as one perpetually under the age of eighteen years. But men were deceivers ever! This insidious advance having once been made and consummated in practice, a further encroachment on their liberty, admitting of no such courteous disguise, quickly follows, and Mr. Thomas Hughes proclaims his intention of proposing to the Legislature to reduce them (as matrons) to the condition of little children—that is of children over the age of eight and under that of thirteen years! "The sports of children satisfy the child," but in the opinion of Mr. Hughes their more serious occupations are especially suitable to married women. "Second childhood" is no longer to mean, then, under this new *régime* the sinking into the "sere and yellow leaf," the "slippered pantaloon," and all the rest of it; not so—the assumption of maternal duties is to be the only necessary qualification for that helpless and degraded state, and the dignity of both positions is to be coincident! Well may women ask in amazement, "What next?—and next?" Well may they look with doubt and suspicion on the exclusive male legislation which threatens them with such heavy penalties. "Protection" is a well-sounding word, and is supposed to be especially so to women; but it assumes a singularly unattractive form when it cuts off half one's pay, and degrades one to the position of a child. A woman with these results before her may well be excused for looking somewhat dubiously on the phrase,

> "Perhaps it was right to dissemble your love,
> But—why did you kick me down stairs?"

A new formula must now be introduced into courtships as practised in the manufacturing parts, and instead of the immortal question—"Wilt thou be mine?"—the love-lorn swain shall use the gentle paraphrase—"Wilt thou go upon short time?"

But the very best of the joke is that this notable device,

if put into practice, would confessedly answer none of the purposes for which it was devised. The allegation is, that married women employed in factories do not nourish their children themselves, but hand them over to others, who nourish them on improper or insufficient food; that a child to be healthily nourished should in most cases be with its mother every couple of hours, which is impossible in a factory; and that the mothers often work too near the period of confinement and too soon after. Well, and how would putting them on short time tend to remedy any one of these evils? A "short-timer" works for six and a-half hours a day, and supposing it lives very near the factory, spends another half-hour in going backwards and forwards. There is therefore at the least an absence of seven hours from home, leaving every one of the evils above-named absolutely untouched! I can understand the argument for forbidding mothers to work altogether, and can confess that there is something in it; I can sympathise with the chivalrous and chimerical idea that women should not work at all, but be supported entirely by men; but for the life of me, I can see nothing but the blankest absurdity in the proposition to metamorphose them again into little children because they have become the parents of little children themselves.

Again, have any of my audience ever sought to realize what either of these proposals represents to the material interests of England? I shall most briefly quote a few statistics on this head. Mr. Mundella stated in the House of Commons, on the introduction of the Nine Hours Bill last Session, that there were "184,000 mothers working in the Textile Mills of this country." From other sources I learn that the whole number of persons so employed is 950,000; so that abolishing the labour of married women being mothers, would in the first place be the abolishing one-fifth of the whole textile industry of the country—or putting them on short time, the abolishing of one-tenth. Moreover, this calculation by no means represents the full practical effect of the change. "The associated employers of factory labour in the four counties of Lancaster, York, Derby, and Chester," have recently issued a statement in which, after disputing Mr. Mundella's figures to the extent of substituting 109,554 for 184,000 married women employed in factories, it is said, "They further urge the injustice and unreasonableness of the employment of nearly a million people being placed under restriction, because 109,000 women have household duties to perform at the close of their day's work." "It is impossible," they continue, "to interfere

with one branch or class of labour without disturbing the whole, so complex and interdependent is the entire manufacturing system." So that it is not the loss of one-fifth or even one-tenth of our manufacturing industry that is here in question, but the general derangement and disorganisation of the whole.

Finally, and principally, I want to know why married women employed in manufacture have been particularly selected for legislation in this matter. The idea seems to be that, by reason of the nature of their occupation, they are in danger of becoming mothers of a deteriorated offspring, or of being less prolific than other married women. To this idea I answer, by requiring facts in favour of either supposition, and I utterly deny that they are forthcoming. The inquiry divides itself under two heads. First: *Are* married women employed in manufacture less prolific, or worse mothers than married women unemployed? Second: Than married women employed in other occupations? For an answer to the first question, I boldly refer to the report of Messrs. Bridges & Holmes itself, lately presented to the Local Government Board, the conclusions of which are generally adverse to my view of the question. In this report, two typical instances are especially selected for comparison—the children of the essentially manufacturing towns of Manchester, Bolton, Blackburn, &c., and of the essentially non-manufacturing towns, Liverpool and London. To make the comparison perfectly equal, children of a similar social standing are taken, those residing in the east of London and the poorer parts of Liverpool, against those of the working-class portions of the factory towns. We read: "As compared with the children of the east of London, or of the poorer parts of Liverpool, they (the factory children) are markedly superior!" This, be it observed, is the testimony of the Special Commissioners appointed by Government to inquire into this very matter now under review, and whose bias is in favour of further limiting the labour of manufacturing mothers. But, do we even require such testimony, valuable though it be? Have we not, most of us who belong to this association, been in the back slums of London or of Liverpool ourselves ere now? and have we ever seen in any manufacturing town so degenerate and miserable a progeny as we have met with there? Or if we have, in the worst parts of Manchester perhaps, or elsewhere, and have taken the trouble to inquire into the circumstances of their cases, how often have we found that they were the children of mothers who worked in factories? or how invariably rather, that they were the children of idle women, who knew not what honest work was, and had never

seen the inside of a factory in their lives! Peer down with me into the back courts of any considerable town which harbours an idle female population, and what shall you behold? Is it not, indeed, a but too familiar and painful scene? Slipshod women infest the doorsteps, quarrelling with an energy that never fails, miry children struggle unceasingly in the gutter, periodically withdrawn to be slapped and again emptied forth, while a prevailing odour of gin and squalor pervades the scene and hangs upon it like a pall. I present with the utmost goodwill to my philanthropic friends this picture from life, and beg them to compare it with that more idyllic one, sketched in an earlier portion of this paper, and drawn upon their lines. I leave it to their candour to decide which comes nearest to the truth.

Last of all:—That married women employed in manufacture make worse mothers than married women employed in other occupations is, I assert, a calumny without a shadow of evidence to excuse it; that they are less prolific is notoriously untrue. With what other occupations have the propounders of this theory ever compared manufacture to secure a basis for such a statement? Next to factory work, probably more women are employed in domestic service than in any other occupation. What of the offspring of domestic servants? A factory matron works ten and a-half hours a day in a factory; how many hours does a domestic servant work? The one cannot attend at once to her work and nurse her child; can the other? You propose half-a-day's labour for the former; why not also for the latter? Nay, by how much the more why not for the latter, seeing that she works so much the longer as it is? What of married sempstresses, and the numerous women employed in dress-making, and the like? As the law is now administered, this friendless class of persons is suffered to be employed for far longer hours than factory-hands, and in a far more injurious toil; if there were any real humanity or justice in these new proposals they should surely touch this class first! Is it pretended that either servants or sempstresses are more tender of infant life than manufacturing mothers? The records of our police courts, the very columns of our daily papers, sufficiently disprove such a doctrine, by assigning a sad pre-eminence in certain crimes to these very two classes. Why then are married women employed in manufacture to be legislated for only? Even agriculture, proverbially the most healthful of all employment, can show (as I learn from the Commissioners' Report above quoted) but a small advantage over manufacture in the health of the children engaged in it,

thus proving this latter to be an exceptionally healthful occupation.

And what of other and far more engrossing employments, and of the children born of parents engaged in these? Have we not authors, artists, teachers, traders, of the female sex and married, and should not the law, to be consistent, prescribe to them also the number of hours per day that they should work, and limit it strictly to the six hours and a-half? And having got so far, why not the same rule for those employed in amusing themselves, a very large and very busy class, energetic to a terrible extent after their kind? Is this very popular and unproductive occupation to be held too sacred and admirable for the law to touch? or are the children born of parents whose lives are thus employed so notoriously more healthy than the progeny of the working classes as to need no interference in their behalf? Is it not rather so well known as to be a common truism, that the children of parents living luxuriously and gaily are far more sickly than of those who diet on humble fare and labour for their daily bread, and that the families of such persons are commonly far less numerous? Be these, then, the first to be "protected," and when the peer is blameless let the peasant's turn come. And so, gradually, I may look forward to the time when the system shall include *all* married women, and a general enactment shall be passed that these suspicious sort of persons may, indeed, for six and a-half hours of the day employ themselves as they think fit, but for the rest, must "mind the baby." And what if there is no baby? Well, then, they must mind themselves that worse does not befall them!

I say that a system, of which such a state of things as this would be the legitimate outcome, if pushed to an extreme, is false in principle, and utterly absurd and impracticable in detail; and such is the system that is now sought to be introduced into our manufacturing industry.

I may be permitted to indulge a hope, however, that sooner or later (and the sooner the better) the whole body of laws affecting the regulation of employments may undergo revision, a proper preliminary to which would be a thorough re-examination from their origin upwards of their growth and incidence, and a searching investigation into their means and methods, both in principle and practice. There is a fine opening here for useful work on the part of a Royal Commission.

Norwich Industries. By Thomas Hancock.

IT will be interesting to strangers to note that Norwich, in the reign of Edward the Confessor, had twenty-five parochial churches, if not more; that the number of burgesses exceeded those of Lincoln, Ipswich, Cambridge, Canterbury, and the chief places of England, and "Blomfield" says it is plain that York only could pretend to exceed Norwich at this time, 1055, none of the rest coming near it, and it is not certain that York exceeded it. Such then was the magnitude of Norwich about 800 years ago, being then a hundred by itself, containing 883 acres of land. In 1331 the King (Edward III.) appointed divers staples for wool and sheepskins, and other commodities, among which Norwich was appointed the only one in Norfolk and Suffolk, and by common order and command the merchants of England were obliged to carry there their wools, cloths, &c., for the sale of them by the great, or, as we now speak, by the wholesale, no one daring to sell such commodities but in such staple towns.

During this King's reign Norwich derived many advantages from the influx of foreign artisans. To the trade of spinning worsted was added that of manufacturing it into cloth. The introduction of the foreigners was owing to the great intercourse between the English and the Netherlands (the King having married Philippa, daughter of the Earl of Hainault). Fuller's words are, "The King and State began now to grow very sensible of the great gain the Netherlands got by our English wool, in memory whereof the Duke of Burgundy, not long after, instituted the order of the Golden Fleece, wherein indeed the Fleece was ours, the Golden theirs, so vast was their emolument by the trade of clothing. Our King, therefore, determined to reduce the trade to this country, and he succeeded by various means in tempting a great number of the Flemings to come to England," and fortunately for us many settled at Worstead and Norwich (1336). Soon after this, Norwich became the most flourishing city in all England by means of its great trade in worsteds, fustians, and friezes, and other woollen manufactures, so that we are told that many thousands who before could not get their bread could by these means live handsomely.

In the reign of Henry VII. (1497), although Norwich had been thus originally so much indebted to foreign artisans for its commercial and manufacturing importance, the local guilds in their usual narrow spirit passed stringent regulations against them, the jealousy of the native workmen was also aroused, and

riots were stirred up against the Flemings, many of whom left Norwich for Leeds, where they prosecuted the woollen manufacture free from the trades union. The consequence was the city, left to its native enterprise and industry, gradually fell into a state of stagnation and decay, the population rapidly diminished, many large houses stood empty, and riots among the distressed workpeople occurred.

Worsted and Silk Manufactures.—In the year 1565, after many consultations on the distress of the city from the decay of worsted manufactures, a deputation of citizens headed by the Mayor (among them the name of Thomas Bateman occurs, a name still honoured amongst us) waited on the Duke of Norfolk at his palace, and begged his assistance in obtaining a settlement of Flemish workmen. The Duke used his influence and, at his own expense, obtained letters patent from the Queen, authorising the appointing of thirty masters, with ten servants each. Thus, under special licence and privileges, in 1566, 330 Dutch and Walloons, who had fled from the persecution of the Duke of Alva, in the Netherlands, began, by their industry, to restore the city to more than its former prosperity. In 1571 their number had increased to 3,925, and in 1582 to 4,679. In 1575 they invented the manufacture of bombazines, for which they obtained an exclusive privilege. The houses which had been standing empty were again tenanted, the native population again fully employed, and the adjoining districts shared in the general prosperity. New fabrics were introduced and trade continued to flourish.

In 1685, upon the revocation of the Edict of Nantes, French Protestant refugees introduced the manufacture of silk, in the form of crapes, which ultimately gained such favour that in the year 1721 an imperial order was issued that the Court mourning should consist of Norwich crapes; which manufacture, maintaining its high repute, has been continued to this day. Mr. Arthur Young considered the interval between the years 1743 and 1763 to have been the most flourishing era in the commercial history of our city; the number of looms were found to be 12,000, and each of them, with the attendant preparations, was supposed to produce work to the value of 100*l.* per annum, making the total value of the manufactures 1,200,000*l.*, of which only one-tenth was estimated as the yearly value of the raw material, so that the amount thus paid here for labour exceeded 1,000,000*l.* per annum. The city merchants sent travellers throughout Europe, and their pattern books were shown in every town as far as Moscow; indeed we are assured that nearly the whole of

Europe was formerly supplied by Norwich with a variety of worsted stuffs. The ladies of Spain were excellent customers for our bombazines. Spain also took large quantities of camlets for the use of the religious orders, an article that attained great celebrity for its texture and resistance to the weather. All through the eighteenth century and up to 1830 large quantities of camlets and other worsted goods were made to supply orders from the East India Company for export to China and India, where still Norwich manufactures are in high repute. About the year 1803 the manufacture of fillover shawls was first introduced into the city by Mr. John Harvey, which manufacture has from time to time been so much improved that the "Norwich shawl" is considered by many as superior to anything of the kind in Europe, commands a high price, and is worn by royalty. On the occasion of the marriage of the Prince of Wales, seven of the principal manufacturing firms of our city presented through the corporation to the Princess Alexandra specimens of the elegant fabrics for which Norwich has so long been famous, and of them it has been truly remarked that they not only fully maintained the ancient reputation of the city, but showed that such improvements have been introduced, that no fear need be entertained of competition with the manufactures of other places, either at home or abroad.

The Boot and Shoe Trade.—Scarcely second in importance to the manufactures already named is the wholesale boot and shoe trade. This trade dates from the commencement of the present century, and for some years was confined to goods for home supply. Mr. James Smith may be regarded as the founder of this branch of industry, the manufacture of which was carried on at first by hand labour, which of course resulted in producing various qualities of workmanship, and comparatively a limited quantity. Soon, however, the machine was introduced, and the number of hands rapidly increased, so that it is estimated that at the present time not fewer than 10,000 persons are thus employed. There are many large firms who employ hundreds of hands on their own premises, and there are also a large number of garret masters in the city who buy their own materials and produce vast quantities of boots and shoes, which are sold to the wholesale houses. Some of the firms execute large Government contracts for the army, and also large orders for the colonies, employing steam power to propel their machines. Probably 1,000 machines are in operation every day in the city, producing, it is estimated, 72,000 pairs weekly. The annual value cannot easily be ascertained, but taking them at an average of 5*s.* per pair it would amount to

936,000*l.* The cost of labour is estimated at one-half the wholesale price, and the material at one-fourth. It is evident, therefore, that a small rise in the price of material or the rate of payment for labour must seriously affect the price of these goods.

The Carrow Works.—The decreasing limits of my paper warn me that I must pass on to speak of another large branch of industry, which has grown amazingly within the last few years. I refer to the Carrow Works of Messrs. J. & J. Colman. About 1850 the foundation of this establishment was laid, but many additions have been made since, so that they now cover many acres of land on the banks of the Wensum. These works are the most extensive in our city, or, indeed, in the kingdom, for the production of mustard, starch, blue, and flour, containing machinery to the amount of 2,000 horse-power, and finding employment for 1,500 persons. Immense quantities of goods are produced here, so that upwards of 250 tons weekly are sent by rail to all parts of the world, exclusive of nearly 1,500 sacks of flour sent out in the same time from the flour mills. Paper also of excellent quality is here made in large quantities from the bark of an African tree, the demand for which far exceeds the power of production. Water of the purest quality is supplied all over the works from an artesian well 1,300 feet in depth; and it may be interesting to note that considerably over 200 tons of coal are here weekly consumed. Medals of the highest class have been awarded this firm for mustard and starch at the London, Paris, Moscow, Vienna, and many other Exhibitions.

Iron Works.—The Norfolk and other Iron Works next demand a passing notice; the former, founded by Mr. Charles Barnard, occupies nearly two acres of ground, and employs upwards of 400 hands. At this establishment the celebrated "Norwich Gates," shown at the London Exhibition of 1862, and afterwards purchased by the city and county and presented to His Royal Highness the Prince of Wales, were manufactured. It is also celebrated for its manufacture of wire netting, of which they send out about one million five hundred thousand yards per annum, lawn-mowing and other machines. Messrs. Boultons are famed for horticultural appliances of every kind. Messrs. Holmes and Son, of the Castle Hill, are makers of a great variety of agricultural implements, for which they have gained many prizes; and there are several other most respectable firms, of which the limits of my paper forbid me to speak.

Printing.—The art of printing is too important a branch

of our industry to be passed over without notice. To the Dutch and Walloons who came over at the invitation of Elizabeth is ascribed its first introduction to our city. In 1568 a Dutch metrical version of the Psalms was issued from the press. No great progress would seem to have been made during the next century: but in 1706 the first newspaper, called the "Norwich Gazette," was published by Henry Cosgrove, he being assisted in the undertaking by the celebrated Edward Cave (the original planner and founder of the "Gentleman's Magazine," first published in 1731). In 1736 was printed "The Records of Norwich," in two parts, price 1½*d.*; and in 1738 an "Authentic History of the Ancient City of Norwich," by Thomas Eldrige, was printed for the author in St. Gregory's Churchyard. This work the author presumes, from its bulk (32 pages), to be "the completest work ever yet published." From this period, however, Norwich kept pace with other places, and now we boast five weekly and one daily newspapers, several large printing establishments, amongst which we must notice the Messrs. Jarrolds and the Messrs. Fletcher, where nearly 300 persons find constant employment. The Messrs. Jarrolds are celebrated for the production of educational works, of one of which, "Dr. Brewer's Guide to Science," upwards of 100,000 copies have issued from their press, and I am sure you will be glad to learn that of their famous series of "Household Tracts for the People," a circulation of considerably over four millions has been reached. The Messrs. Fletcher in addition to the manufacturing stationers' trade, print largely for the London publishers, and have recently erected magnificent premises in Davey Place.

Brewing.—The brewing establishments of the city are considerable, producing annually, it is estimated, 500,000 barrels, finding employment for 600 men, and rivalling in quality the famous Burton ales.

School Desks, &c., &c.—In these days of advancing education our city has not been slow in inventing improved appliances. The firm of Messrs. Colman & Glendenning has taken the lead in this department, providing almost every school requisite, for many of which they have received medals and certificates of merit. The school furniture invented and manufactured by Mr. G. E. Hawes, of Chapel Field, has also obtained extensive patronage.

Brush-making is largely carried on in our city, employing about 500 hands.

The wholesale ready-made clothing establishments are rapidly increasing in size and importance.

Carriage Manufacture.—Of late our carriage manufacture has been brought into great prominence, in consequence of the widely-known reputation of Messrs. Jolly & Son, and the prizes awarded at several exhibitions to Mr. C. Thorn and Messrs. Howes. Large orders have been received from abroad (orders on hand at present time from China, India, Japan, Africa, and Canada), and some hundreds of skilled workmen find employment at large wages. But I must not further enumerate.

There are many other branches of industry I should gladly have noticed, but the limits of my paper forbid.

Cattle Market.—I cannot close, however, without noticing how closely identified are the county and city in their commerce and prosperity. The Norwich Cattle Market, second only for extent in the kingdom, illustrates this. Perhaps it may interest all to know that during the six weeks ranging from May 26 to June 30 of this year, 15,519 oxen and 68,194 sheep and lambs were exposed for sale, the estimated value of which was at least 345,000*l.*

On the Swedish Liquor Laws and the Gothenburg Public-house System. By David Carnegie.

When, in 1871, Mr. Bruce introduced his Licensing Bill, he declared that some legislation, to check the greatest social evil from which this nation is suffering, had been demanded with an earnestness and unanimity to which he recollected hardly any parallel—the question was one which had stirred the hearts and feelings of all classes of society. Committees of both Houses of Parliament, the Convocation of the Church, ministers of every religion, judges and magistrates, collectively and individually, boards of health, and boards of guardians had all united in proclaiming and impressing on Parliament the mischiefs which had arisen from the excessive use of intoxicating liquors; but, above all, the working classes of this country, who felt most the consequences of the present system of the liquor traffic, had with united voice called upon Parliament to deliver them from temptation.

The Licensing Bill of 1872 has now been a year in operation, and is generally allowed to have proved most useful as a matter of police in promoting quiet and order in the towns; but the reports of the police authorities and opinions expressed at Brewster Sessions give no certain evidence that it has effected any general diminution of drunkenness, while in

many places an actual increase is reported. In the metropolitan district the increase above the previous year is no less than 20 per cent. All that can be said is, that matters might have been worse still without it. That Bill did not extend to Scotland. There, no legislation has been attempted on this subject by the present Parliament, although the consumption of spirits in 1872 was about one and a half bottles for every man, woman, and child, more than in 1871, and there is a considerable further increase in the present year. In Glasgow, the police cases of drunkenness have increased 18 per cent. in the last two years.

The problem how to diminish drunkenness is, therefore, still unsolved, and is even more pressing than ever. I have, therefore, thought it my duty, in compliance with the request addressed to me by the Committee of this Association, to endeavour to direct your attention to the efforts which have been made of late years in Sweden to attain that object, and with such promise of success, that a Spirituous Liquor Bill for Scotland was introduced into the House of Commons at the end of last session, founded on the Swedish system, or that modification of it now called the "Gothenburg Licensing System," from its having first originated in that town—a very flourishing city of 60,000 inhabitants—of which I was myself a burgher, and where I resided permanently from 1830 to 1845; and being still intimately connected with it, and frequently visiting Sweden, I have enjoyed exceptional opportunities of acquiring accurate information about that country and the social condition of its inhabitants.

For about a century previous to the year 1854—when the first reform of the liquor laws was effected—Sweden was the most drunken country in the world, although the commercial legislation was of the most prohibitory protective character, free trade in spirits was practically in force. Every small landowner was allowed to distil spirits for domestic use, on payment of a small nominal licence fee. In 1830 the number of stills amounted to 173,000, producing, as well as can be calculated, a quantity equal to ten gallons per head of the population. The exact amount cannot be known, as no duty was levied on the spirits, but on the stills only, and the Government received only about one-third of a penny per gallon on the above estimated produce. Every burgher in the towns, comprising most of the merchants and shopkeepers, had the right of retailing spirits, and every person in the kingdom could sell as small a quantity as one kan, or about three-fifths of a gallon.

The effect was fearful—national drunkenness beyond the

excess of all other nations; the whole country may be said to have been deluged with spirits. The physical aspect of the people was wretchedly deteriorated, and the criminal calendar is said to have been without parallel in modern history.

Encouraged by the exertions of the temperance societies in America and in this country, an agitation at length commenced about the year 1835 to endeavour to stay the plague. Many energetic and influential apostles of temperance arose, and by pamphlets, tracts, travelling lectures, and the assistance of the clergy, such an impression on public opinion was produced that a special committee of the Diet of 1853 reported that "seldom, if ever, has a conviction so generally or unequivocally been pronounced with regard to the necessity of rigorous measures against the physical, economical, and moral ruin with which the immoderate use of spirits threatens the nation. A cry has burst forth from the hearts of the people, appealing to all who have influence—a prayer for deliverance from a scourge which previous legislation has planted and nourished." The result was that a Bill was introduced by the Ministry, and accepted by that Diet, which, with slight subsequent alterations, is now the existing law which regulates the distillation and sale of spirits in Sweden; it applies almost exclusively to "bränvin," or "Swedish brandy," a spirit distilled from grain, or sometimes partly from potatoes, somewhat resembling whisky, and containing about fifty per cent. of alcohol.

The consumption of ale and porter in Sweden being mostly confined to the upper and middle classes, is not used to the extent of intoxication, while the beer in more general use, being not stronger than what is here called small-beer, it has not been thought necessary to include these beverages in the Swedish liquor law: every one is free to brew them, and a licence to sell them is obtainable from the local authorities without payment, even to sell them on movable stalls in the streets or on the public roads.

The following are the principal provisions of the law of 1855:—

The small stills were abolished, and a Government excise duty imposed equal to about 1*s.* 7*d.* per gallon.

A licence is required to sell any quantity less than 15 kans, about 8¾ gallons.

There are two classes of licences:—

1. One for *retail* in quantities not less than half a kan (three-tenths of a gallon)—not to be consumed on the premises —for grocers and other shopkeepers.

2. The public-house licence for quantities however small,

consumed on or off the premises, for taverns, hotels, and eating-houses: it is a condition for such a licence that food shall be procurable on the premises as well as liquor.

In towns, the magistrates or town council give once a year to the governor of the province a list of all those persons entitled by burgess-ship or other existing privileges to retail licences and to public-house licences, and report to him whether an additional number, if any, are in their opinion required, and in what district of the town. The governor then decides, but he has no power to increase the number beyond what the town authorities recommend.

All the holders of existing licences by burgess-ships or other life-privileges pay to the local rates, each retailer 25 öre, and each publican 40 öre, on every kan sold by them, as estimated by the local assessment committee—subject to appeal. This is equal to 6*d.* and 9*d.* per gallon.

The new licences are sold by auction, either separately or together, for a term not exceeding three years, to those who undertake to pay annually to the town treasury the above licence duties of 6*d.* and 9*d.* on the greatest number of kans, irrespective of the real quantities they may actually sell; or, if a company is formed for taking the whole number of public-house licences, the town authorities may contract with such company for three years, without an auction, subject to confirmation by the provincial governor—no offer to be accepted under 11*l.* in towns, and 5*l.* 10*s.* in the country.

In the *country* the regulations are the same as in the towns—the parochial authorities have power to refuse new licences; but, if granted, they must be confirmed by the provincial governor.

No sale of spirits is allowed in the country within three-quarters of an English mile of any place where there is a public auction, fair, market, militia muster, or any other occasion which brings together considerable numbers of people, excepting only at meal-times, and to those *bonâ fide* taking meals. Regarding *Sunday traffic*, the local authorities decide, with the governor's sanction, whether the sale of spirits on Sundays shall be altogether prohibited. No sale is allowed during divine service. No sale is allowed on week-days after 10 o'clock p.m., without special sanction of the local authority. It is prohibited to sell spirits to persons the worse for liquor —the Swedish word is "över-lastad" (*overloaded*)—or to young persons. The punishments for all offences against the enactments of this law are by various amounts of fine, or terms of imprisonment, and the second offence cancels the licence alto-

gether. Of the income from licences two-fifths are divided between the county treasury and the county agricultural society. In towns, the remaining three-fifths go to the town treasury, but in the country it is divided among the parishes of the county, in proportion to the population.

As the law fixes *no minimum* for the number of licences, it is within the power of the local authority, with the sanction of the governor of the province, to prohibit the trade altogether in any town or country parish; and in the latter this has been done to such an extent that, in 1871, there were in the whole of Sweden, excluding the towns, only 324 public-houses and 136 retail shops licensed to sell spirits, to supply a rural population of three and a half millions, or about one public-house to every 10,500, and one retail shop to every 25,000 of the population—in a thinly-peopled country. The consequence is, that the spirit-trade is concentrated in the towns, in none of which it has hitherto been abolished, and where both the local consumption and the sale to the country districts continues on a very large scale; but the effects of the law on the intemperance of the country population was immediate and most remarkable; and as that applies to seven-eighths of the whole population of Sweden, a very great reform has been effected in the drinking habits of the Swedes, who may now be called comparatively a sober people. The consumption of spirits is now reduced to little more than two gallons per head; and in 1867, by the last published return for the whole country, the police cases for drunkenness were reduced to 2 per 1,000, which seven years before were 3¾ per 1,000. In Denmark the consumption per head is nearly double that of Sweden. The Danes must take their liquors soberly. They are not generally reputed to be a drunken people.

In order to extend the reform to the town population, the system arose to which I wish more particularly to call your attention. It originated in Gothenburg, a very prosperous and rapidly increasing town of 60,000 inhabitants, which has for a generation past shown a liberality and amount of public spirit in devising and carrying out plans of social improvement which is very rarely to be met with in any country. A committee appointed in 1865 to investigate the causes of the constant increase of pauperism there, reported, as might be expected, that intemperance was the principal cause of the distress; and, further, that the principle on which the spirit-trade was conducted could not do otherwise than greatly promote the consumption, as the publicans, each of whom paid on an average 118*l.* a year for their licences, must, from self-

interest, make every exertion to sell as much as possible; while their premises were in many cases dark, dirty, and unhealthy —the nurseries of immorality and crime. They, therefore, recommended as the only remedy that the liquor traffic should be reorganised on an entirely new principle, viz.:—

That no individual, either as proprietor or manager under a public-house licence, should derive any private gain from the sale of spirits, thus abolishing all temptation unduly to extend the consumption.

When this great principle was first mentioned to me, it struck me as a totally new idea, and an axiom which only requires to be stated to command universal acceptance: that if the liquor-trade must exist, a system by which no one can have any interest in making another drink more than is good for him must be the best possible, if such a plan can be carried out.

This has been done in Gothenburg, by transferring the whole public-house traffic to a limited liability company, consisting of the most respected members of the community, who undertake by their charter not to derive any profit from the business themselves, or allow any one acting under them to do so; but to conduct the business solely in the interest of temperance and morality, and to pay to the town treasury the whole profits beyond the ordinary rate of interest on the paid-up capital.

This company (in which I am a nominal shareholder) began operations in October 1865, with forty licences; and as the terms of the remaining licences previously sold by the town at auction expired they also were transferred to the company, so that by 1868 the company had acquired the whole number of sixty-one licences, of which the town had the disposal. By the last report for the year ending October 1872, these sixty-one licences are disposed of as follows:—

25 public-houses.
7 retail shops, under public-house licences.
10 restaurants and clubs.
Together 42, leaving 19 not made use of.

The rents paid for the public-house premises vary from 35*l.* to 180*l.*; for the retail shops, 8*l.* to 40*l.*; while the third class, the restaurants, cafés, and clubs, find their own premises and managers, and pay all their own expenses; they buy all their spirits and wines from the company, but are not bound to sell by any fixed tariff of prices, and Swedish brandy is only allowed to be sold by them at meals.

The retail spirit-shops are all managed by women, who receive a salary of from 25*l.* to 55*l.* a year, and have no extra

profits from the sale of food and other drinks besides spirits, as the public-house managers have.

Each manager of a public-house binds himself to sell all spirits and wines for account of the company, without any profit to himself.

He is allowed to sell, for his own private profit, malt liquors, coffee, tea, soda and seltzer water, cigars, &c.; and besides the food the publican is by law required to provide, the manager binds himself to serve customers with hot meals whenever called for.

All spirits and wines are to be taken exclusively from the company's stores, even those for the manager's private use.

No credit is allowed.

All glasses and measures used in the house belong to the company, and bear the company's mark; and all liquors belonging to the company are to be sold at the prices of the company's tariff, a copy of which is placed in each public-house. He is also to sell, for consumption off the premises, at the same prices.

The premises are to be kept clean, well-ventilated, and heated during the cold season. The gas-lighting is generally paid by the company.

The manager is *debited* in his pass-book for all spirits and wines received at the full retail price paid by the consumers, according to the company's tariff, deducting only 3 per cent. for leakage and breakage of glass, and 2½ per cent. in the retail shops.

This percentage is by some thought to be too high; it might be better to make no such allowance, but to increase the fixed yearly payment if necessary. This would be to advance a step farther than to eliminate gain—a manager would then lose a trifle rather than gain by the increase of his sales.

On the other hand, the manager is *credited* for the amount of his sales paid weekly into the company's bank accounts. A fortnightly statement is rendered of the stock on hand; and the company's inspector takes inventory of the stock at least once a month, or as often as he pleases. Every house is inspected at least once a month.

Besides the advantages of a rent-free house, and the profits derived from the sale of food and liquors other than wine and spirits, the manager receives, in most cases, a yearly payment varying from 11*l.* to 40*l.* In nine cases where public-houses are most favourably situated, the private profits of the manager are found to be sufficient remuneration without any cash payment from the company; he paying besides all current expenses

of attendance, firing, cleaning, &c., and a proportion of the gas-lighting.

The appointment is terminable on two months' mutual notice; but if the manager breaks any of the provisions of this contract he can be dismissed at once; or he may be dismissed immediately without any specified reason;—but, in that case, he receives compensation for two months' board and lodging.

The power of dismissal without the necessity of legal proof is a great advantage; it may be difficult to prove any one case of giving drink to "overloaded" persons, though the directors may be, nevertheless, perfectly satisfied that their servant is slack and inefficient in refusing drink to those who ought not to have it.

The results of the working of this system were at once apparent, in a most striking reform of the conduct and habits of the working classes, exceeding the most sanguine expectations; and it is evident to all that a great social problem has been solved—a great success achieved. The full extent of the reform effected can, of course, be but partially tested by statistics, but these are exceedingly satisfactory. As the population has been rapidly increasing, I state the percentage of the police returns of cases of drunkenness. In 1864, the year before the new system began, the percentage was 6·10; it gradually declined to 2·52 in 1870, rising again in 1871 to 2·67, and last year to 2·72;—thus in the last two years there has been an increase from 2·52 to 2·72 per cent., no doubt caused partly by what the Commissioner of Metropolitan Police calls the "Epidemic of Intemperance," which has extended to Sweden as well as England, and arising from the same source—the great increase of wages and shorter hours of work, which has raised the number of drunken cases in Glasgow 18 per cent. in two years, and in the metropolitan district 47 per cent. in three years.

But another cause has, during these years, been at work to counteract the efforts of the company to diminish drinking in Gothenburg. There the system has hitherto been only applied to the public-houses. The retail shops, the licences for which are still sold by public auction, sell a larger quantity of spirits than all the public-houses put together, and it is mainly by them that a lamentable abuse, called "salning," is encouraged, by which four or five men club together to buy the minimum quantity of half a kan, which they can do at these shops at little more than half the price that they would have to pay for the same quantity in the public-houses, and drink it in the street or at any convenient corner at hand. The same abuse

seems to be prevalent in Ireland, for the 83rd clause of the Intoxicating Liquor Bill of 1872 punishes the spirit-grocer there, if it is done with his knowledge.

The efforts of the company to diminish drinking by the control of the public-houses, while these independent retail houses exist, is like fighting a strong man with one hand disabled; *and yet the percentage of drunkenness is actually reduced by more than one-half*, and the offences against the person and property have diminished in the last five years 42 per cent.

The great improvement already effected is amply confirmed by testimonials received from the Governor of the town and province, the Chief of the Gothenburg Police, the Chairman of the Town Council and M.P. for Gothenburg, the Chairman of the Chamber of Commerce and M.P. for Gothenburg, the Chairman of the Board of Health, the Bishop of Gothenburg, and Dr. Wieselgren, the Dean of Gothenburg. They are too long to quote here at length, but they all agree on two points: first, that the operations of the company have been productive of great good to the community; second, that the benefit would be much greater if all private trade in spirits was abolished, and the whole put under the control of the company. Dr. Wieselgren's opinion is peculiarly valuable. He approaches as near, if not nearer, to my idea of what a Christian apostle of old must have been than any man I have had the good fortune to be acquainted with; he is also a mighty apostle of temperance. He devoted years of his life to travelling about Sweden lecturing and preaching temperance, and was the most distinguished and most eloquent of the band of agitators whose success resulted in the reform of 1855, and I may venture to say, has done more for the cause of temperance than any man in this country. An abstainer himself, I know he would prefer total abolition, if that were possible, yet he thankfully acknowledges the good effected, and what is further to be expected from the Gothenburg system, and writes as follows:—

"GOTHENBURG, 7th February, 1863.

"According to my opinion, the 'Utskänkning Bolag,' during the few years of its existence, has undoubtedly been the means of raising the moral and economical condition of the people, by decreasing the immoderate drinking of spirits; and without doubt, even better results would have been shown, had the retailers' licensed trade in spirits been also entrusted to the hands of this same company, which is certified by

"P. WIESELGREN, Dean."

I cannot resist adding only one sentence from the testimony of the universally respected Bishop Björk, who certifies "that

the Gothenburg Company is in his opinion one of the best institutions of its time for advancing the moral and economical welfare of the working classes."

I rejoice to be able to state, that since these testimonies were given the obstacle referred to has been removed—the law has been changed, to allow what the writers wished to be done; and the means by which this further reform was effected is exceedingly interesting. It originated last spring among the working men of Gothenburg, who held several meetings at their Union Hall, when, in consequence of the increase of drinking during the last two years, the following subject was discussed: "What ought or can be done to diminish drinking?" After debates on three separate evenings, the Working Men's Union—numbering about 2,000 members—named a committee of sixteen of their number, to confer with the directors of the Public-house Company on the subject (a most hopeful alliance, that between the working men and the public-house keepers, to diminish drinking). The result was, a memorial to their representatives at the Diet, in Stockholm, urging them to endeavour to obtain a change of the law, to enable the company to get possession of all the retail licences still sold by auction to private persons, and thus put the entire spirit traffic under the control of the company. This was done, and the change of the law, after being thoroughly examined and recommended by the committee of the Diet, was carried in both Houses by large majorities. There can be no stronger proof of the opinion of the Swedish nation as to the success and excellence of the Gothenburg system.

The Act comes into operation next October; but the local authority has meanwhile closed this month all the private retail shops in the suburbs of Gothenburg, where the working classes mostly reside, thus reducing the number of such licences sold this year from thirty-five to twenty-five.

The financial results are also very important, for on them must greatly depend the practicability of the scheme, especially in this country, where so large a sum must be provided for compensation to the vested interests.

By the last report of the directors there were sold in 1872:

223,146	kans of	bränvin.
68,252	,,	better spirits—foreign liquors.
3,720	,,	wine.
295,118		

Or about 170,000 gallons, giving a gross profit of 16,890*l.* The expenses were 5,214*l.*, leaving 11,676*l.* of net profit paid

to the town treasury. Besides that sum, the twenty-five retail licences for this year realised no less than 7,400*l.* at the auction, or 2,000*l.* more than thirty-five last year—about 300*l.* each. Strange to say, as the numbers are diminished, the total sum realised, instead of being less, is greatly increased.

The number of gallons sold by the company approaches nearly three gallons per head of the population, which is supposed to be exceeded by the sales of the retail shops. This is a fearfully large amount; but it must be remembered that a large proportion is supplied to the rural population, which numbers 170,000, in the province of which Gothenburg is the capital, and where no more than ten licensed houses exist where spirits can be purchased. The consumption of the whole of Sweden now rather exceeds two gallons per head; but the Swedes have long been educated a nation of spirit-drinkers. It must take many years to eradicate the bad national custom of the great majority of Swedish men, high and low, who can afford it taking a single glass of bränvin, and no more, before sitting down to their two principal daily meals. A million of men taking two glasses of spirits a day would consume nearly the whole amount, without any excess whatever. The Swedish women, almost without exception, never touch spirits. Of 1,533 cases of drunkenness in Gothenburg, in 1871, only four were women. It would undoubtedly do much good if the duty was raised. Bränvin is sold *by the glass*, at a price equal to less than 6*s.* per gallon, or about one-third of the price at which whisky is sold here. A very remarkable fact is, that the above large amount of trade is carried on by the Gothenburg Company, without *any* paid-up capital. It was found, although 11,000*l.* was subscribed, none was required, nor was any ever paid up. At the beginning of the year an advance is obtained from a bank, for which two directors give their personal security, and the returns from sales come in so rapidly with accumulated profit, that the balance of interest at the end of the year has never exceeded 35*l.*

The Gothenburg system has been adopted more or less completely in about two-thirds of the Swedish towns,* and is extending to Norway, where the law has been changed, to allow of its adoption. Strange to say, circumstances have hitherto prevented its adoption in Stockholm, and there, I regret to say, the increase of police cases of drunkenness has

* Many companies were at first established partly on ordinary commercial principles; but what Gothenburg has done voluntarily, is by the new law compulsory—whenever the traffic is given to a company, the whole profit must be given to the local authorities.

been 80 per cent. in the last two years, while in Gothenburg the increase has not been more than 11½ per cent.

It only remains for me to give a very brief description of the Bill, founded on the Gothenburg principle, called the "Spirituous Liquors (Scotland) Bill," introduced by Sir Robert Anstruther, Sir Graham Montgomery, and three other prominent Scotch members, from both sides of politics, and which will no doubt be re-introduced next session with such modifications as public opinion may suggest.

A year has not elapsed since the Gothenburg system began to be agitated in Scotland. When plainly stated it commends itself to the common sense of most men as the best and most practicable mode of dealing with a subject of almost insuperable difficulty; and it has met with very general approval, as shown by the comments of about twenty newspapers, and the proceedings of the General Assemblies of the three principal Presbyterian Churches. I may add, both the "Guardian" and "Record" newspapers have noticed it favourably. It has met with no opposition hitherto, except from that extreme section of abstainers who believe in prohibition and in that only. From the many more moderate members of the temperance associations the Gothenburg system has met with so much favour as to be called by the others "the great temperance apostacy." I am very glad to see that Sir David Wedderburn, the member for Ayrshire, whose name is on the back of the Bill I advocate, in his speech last week, as Chairman at the annual meeting of the Scottish Permissive Bill Association, declared his intention of continuing to vote for the Permissive Bill, although he is less hopeful of its success; and as what he said in favour of the Bill on the Gothenburg system was well received—at least without protest—it shows that there need not necessarily be any antagonism between the two Bills. Even the vested interests are not clamorous, as they will receive compensation.

The Bill is permissive, and founded on what I believe the right principles—the elimination of private profit from the trade, and to remove temptation as far as possible, consistently with the possibility of obtaining liquor without breaking the law.

The local authority in each district, on the requisition of a certain number of householders, is to take the vote of the community as to the adoption of the Act, the voters being the same as those for the school board, therefore including women. If the Act is adopted, the local authorities are to nominate a certain number of their own body to administer the Act, along

with a larger number of persons outside that body as by their known philanthropy and business habits may seem best fitted for the office. The board will then buy up the goodwill and plant of the existing public-houses under the same provisions, as regards compensation, as those of the Lands Clauses Consolidation Act, and will acquire from the Inland Revenue such number of licences as they deem sufficient. No others are to be granted for the sale of spirits to be drunk on the premises, except to the board. The payment of the managers shall in no degree depend on the amount of sales effected. Purchases and contracts for spirits to be by public tender. The board may also acquire the public-house trade in spirits of such hotels or inns as contain not more than four bedrooms for travellers.

To provide the necessary funds for compensation and working capital the board are empowered to borrow by mortgage or bond, and, if necessary, to levy a rate as additional security. The profits to be applied, half to the extinction of the debt, the other half to be paid to the local authority, until, by this means, the debt is extinguished, when the whole is to be paid to the local authority. The power to levy a rate will be merely nominal, to enable the compensation-money to be borrowed on terms more favourable to the ratepayers. I have no hope that the Act will be adopted in any district where the ratepayers are not convinced that the income of the board will be sufficient without the necessity of a rate.

An estimate prepared by an experienced valuator, and pronounced by another to be excessive rather than the reverse, gives the value of the goodwill of the public-houses in Glasgow at 301,570*l.*, and of the plant at 205,890*l.* Even supposing that the arbiters appointed under the Bill value the goodwill at double the sum here stated—an extravagant supposition—viz., 603,140*l.*, the total compensation required would be 809,030*l.* Adding 191,000*l.* for working capital, we have a sum of say 1,000,000*l.* as the largest amount that can possibly be required to initiate the system in Glasgow. The average consumption of spirits in Scotland is two gallons a year per head. That amount must be greatly exceeded in Glasgow. Taking the consumption, however, at two gallons per head, and one-half of that to be sold by the grocers, which, it is acknowledged, must be above the real proportion, we have an estimated sale in the public-houses of 500,000 gallons (the population being put at 500,000). An examination of the books of a well-kept public-house shows that the net profit on spirits is about 5*s.* per gallon. The profits of the spirit trade alone, without reckoning wine and malt liquors,

would thus amount to 125,000*l.* a year, which would leave an ample margin to meet a debt of 1,000,000*l.* Reduced consumption in public-houses under the trust will be met by the gradual extinction of the grocers' licences; for two clauses of the Bill are not permissive, but come into operation immediately on the passing of the Act. One provides that no new certificate shall be granted to grocers, and that no grocer already holding a spirit licence shall sell less than one-sixth of a gallon, the other provides that no holder of a new licence to sell intoxicating liquors, granted after the passing of the Act, shall be entitled to any compensation if such licence is afterwards not renewed.

But an inconsiderable amount of drunkenness is caused in Scotland by malt liquors, as compared with that caused by spirits; it has therefore been thought best to simplify and lighten the Bill by not including malt liquors in its provisions, but indirectly, it is hoped the board will be able to exert considerable control over the beer-houses, of which, comparatively few exist in Scotland, as the board is specially directed to report from time to time to the licensing authority as to the number of licences of all kinds which in their opinion is sufficient for the district. If the public-house accommodation is deemed inadequate a certain number of voters are allowed to appeal to the sheriff, who, after hearing the parties, shall decide what additional number of public-houses, if any, are necessary, and shall be provided by the board. This appeal to one man is, I think, hardly satisfactory.

Without compensation, few believe that any Parliament will ever deprive present licence-holders of their property. This is the *only* plan yet suggested to provide the funds with which to purchase our freedom from the bondage to the vested interests, which otherwise must always prevent any comprehensive plan of reducing the number of public-houses.

It has been objected that there may be some danger of the temptation to push the trade, to increase the profits with the view of reducing the rates as much as possible; but I hope public opinion in this country is too strongly pronounced in favour of temperance to allow a limited number of persons, such as the proposed board, to work the Act to the increase of drunkenness and diminution of rates—they would feel themselves directly responsible to public opinion; and though that may sometimes not be sufficient to stem individual greed of gain, I believe the mere reduction of the board's share of rates,

or their zeal for reducing the rates of their neighbours, will not be strong enough to induce them to expose themselves to the condemnation of the public opinion of the country. However, if it should be thought necessary to guard against such an abuse, it may be done by providing in the Act that when the free income of the board exceeds a certain fixed proportion of the local rates, the excess must be paid into some non-local fund, or perhaps into the Imperial Treasury, as some compensation for the reduction of revenue by the expected diminution in the consumption of spirits. The profits need not necessarily be applied to the reduction of rates. They might well be employed to promote temperance in another way, to which Lord Houghton alluded in his opening address of this Congress, namely, providing recreation and means of innocent amusement for the working classes.

I fear the time is not arrived when the proposed Bill could with any hope of success be extended to England. Here compensation would be on a larger scale, but the income to meet it would be proportionally large. The obstacles are less formidable in Scotland. If we are only allowed a trial there, and that proves as successful as, from the experience of Gothenburg, we have reason to hope, it would not be long before the reform forced its way to the rest of the United Kingdom. Meanwhile, it would be very desirable that such large proprietors as have the complete control over one or more villages, when they do not see their way to abolish the public-house altogether, should try the system on a small scale. I know of two, one in England, the other in Scotland, who have expressed their intention to make the experiment.

Whether accepted here or not, the system will be carried out in Sweden, and I am convinced that in two or three years from this date, it being no longer confined to the public-houses, but extended to the retail spirit-shops, Gothenburg will by that time show results which must command attention and imitation wherever drunkenness is a national vice.

In the foregoing brief and very imperfect statement, I have purposely omitted anything having the appearance of controversy; but, as I have here been informed that an opposition pamphlet from the prohibition point of view has been circulated in the department, perhaps I may be permitted to quote a few sentences only from the impartial opinion of the "Edinburgh Daily Review," commenting upon a lecture delivered by me in Edinburgh some time ago.

"Mr. Carnegie delivered his lecture, in reply to Bailie

Lewis, last night.* The Hall was crowded. There was a strong muster of teetotallers. The Lord Provost presided. Mr. Carnegie made a very effective statement. His superior knowledge of the circumstances of the people of Sweden and Gothenburg enabled him to answer conclusively the chief objections taken by Bailie Lewis to the Gothenburg licensing system, and he put his arguments in a very telling manner." . . "If the Gothenburg licensing system does not obtain a fair trial in Scotland, the responsibility will chiefly rest with the teetotallers, or at least, with those of them who endorse Bailie Lewis's opinion, that the sale of strong drink is an immorality, and must not be taken in hand, even for the purpose of placing it under restriction and discouragement. Were there any likelihood of their carrying their own measure within a generation or two, we might have some respect for their uncompromising attitude, although we could not subscribe to the reasonableness of their proposal; but anyone who can look upon the situation calmly must see that they are greatly deceiving themselves. The great body of the people, we believe, would pronounce in favour of at least a trial of the Gothenburg system."†

The Movement of the Farmers of the Western States against Railway and other Monopolies. By Hamilton A. Hill.

THE object of the present paper is to give some account of the farmers' movement against the railway corporations of the Western States, and perhaps it may appear that, in this instance, there is no fixed necessity for the contest, but that it arises from causes altogether within the control of the parties concerned. The feeling prevails in the West that great injury has been inflicted by the high rates of freight charged upon the various railway lines, and by the general policy of the officials, and, therefore, it is proposed to bring the pressure of public opinion and of legislative action to bear upon the corporations. Incidentally, also, the movement professes to be against monopolies of every kind, corporate or personal, and under whatever legislation created. Organisation among the anti-monopolists has assumed three forms:—

1. A national secret society. Almost before the people of

* This lecture is published by Messrs. Grant & Sons, Edinburgh.

† An article on the subject appeared in *Macmillan's Magazine* for October 1873.

the Eastern States knew it by name, a new society had started, and had its branches in almost every county in several of the States of the West. Its members call themselves "Patrons of Husbandry." Their order is a secret one. They have Granges, answering to the lodges of Freemasons and Odd-fellows; and, like these orders, they have their regalia, their badges, their pass words, and their mystic ceremonials. The granges are united among themselves in each State, and there is a National Grange at Washington. This secret organisation first came into prominence in Wisconsin, Iowa, Nebraska, and other Western States; but Granges are now springing up in Pennsylvania, and at the South. Even in the great commercial city of Boston, a Grange has lately been organised; and in reference to this, a Western paper rather tartly remarks:—"We always thought the farmers of Boston a much-abused class." It should be said, however, that the movement is intended to comprehend all who, in any part of the country, are ready to withstand the oppression of railway and other monopolies.

The manifestoes and resolutions of the order, although rather vague in their terms, and sometimes grandiloquent in language, indicate earnestness and integrity, if not always intelligence of purpose. The Nebraska farmers, in some recent resolutions, announced the purpose of the order to be "to secure a just and equitable administration of public affairs, to rid the State Legislatures and Congress of monopolists and corruptionists, to effect the passage of just laws for the benefit of the whole people, and to infuse a spirit of sincerity, truth, and justice into the body politic." They also protested against the unjust and oppressive tariffs of way freights, and of passenger travel on the trunk lines of railway, as frauds upon the people.

2. Several large assemblages of the people have been held to discuss these exciting questions. The proceedings of the Granges are secret, or are supposed to be so; these meetings have given opportunity for public speeches and for the positive expression of public opinion. One of the most important was that held in Springfield, Illinois, last April, to which reference will be again made presently.

3. Political action. One of the articles of the National Grange expressly forbids the introduction of religious or political questions. The farmers' movement, however, already has great political significance. Every recent party convention, North and West, has uttered a response to the popular

cry of "cheap transportation," and, in some of the States, conventions have been called to nominate a distinctively anti-monopoly ticket. Such a convention met at Des Moines, Iowa, in August last. Another was held in California, and resulted in the election of a Governor and Legislature, resolutely set against what are regarded as the encroaching tendencies of some of the railroads on the Pacific coast. These various conventions, although not all strictly affiliated with each other, have had this in common as their chief object—the resistance, by political action, of railway corporation influence and control. Some of them, however, more than others, have had in view the formation of a national party, based on opposition to monopolies. The farmers, who largely are members of the Republican party, have not yet reached the point of breaking with and breaking up that party. But many politicians who have lately separated themselves from the Republican ranks, as well as the Democratic leaders, are disposed to avail themselves of the prevailing excitement to draw the agriculturists of the country, and all who sympathise with them, into a new party, which shall control the Congress to be elected in 1874, and the Presidential election of 1876. Just what the result will be it is difficult to predict; but, it is probable that these and other economic questions, to which the people of the United States are beginning to give attention, as never before, must enter largely into their political controversies, and divide them at the polls.

I. Referring more particularly to the farmers' movement in its relation to railways, it must be admitted that the farmers and the people generally have good cause of complaint against many of the railway companies. There has been too much watering of stock, there have been too many combinations for keeping up rates, there has been too little consideration of individual interests, and too often the individual has been made to feel his helplessness in dealing with a great corporation. Many of these companies have also sought to unduly influence legislation at Washington and at the State capitals. On the other hand, it seems to us that the Grangers have made some mistakes. They have not discriminated between the companies (and there are many such) which are earnestly endeavouring to serve the public honestly and efficiently, and the others which have been alluded to. They have further failed to discriminate between the railway system as a whole and the abuses which have fastened themselves upon it: and they have been at fault in some of the remedies which they have been

insisting upon. To speak only on the last point; one of these remedies has been and is, legislative interference in determining rates of transportation and methods of adjusting them. Usually, in America, there has been no legislative limitation in respect to either charges or earnings. The Springfield convention of last April called on the Legislature of Illinois to compel the railway companies doing business in that State to levy upon all merchandise passing over their lines an uniform rate a ton a mile without regard to distance or quantity, and the request was complied with. But the new law has not worked well; it has been obeyed by the companies so far as the traffic within the State has been concerned, but it has disarranged business, it has stopped all competition at what have hitherto been competing points, it has interfered with the natural and usual course of trade, and at the same time it has not benefited the farmers. Worse than all, it undertakes to regulate inter-State traffic, and therefore comes into direct collision with the laws of other States, and with the constitution of the United States.

Another favourite remedy with the "patrons of husbandry" is Congressional interference. A special committee of the United States Senate is probably at this moment in session, whose duty it is to inquire into the whole subject of transportation between the interior and the Atlantic. Congress has never yet passed laws for the regulation of the traffic of railway corporations brought into existence under State charters; but it seems likely that at the approaching winter session, it will take inter-State transportation under its charge. Precisely how far it will undertake to go, we will not attempt to say, but we may predict that it will meet with serious difficulties at every step. Some of the farmers and their associates would have Congress do more than regulate the national railway traffic; a few of them would like the Government to purchase all the railways of the Union, and a large number wish it to construct and maintain a railway exclusively for the conveyance of merchandise between some central point in the West and the Atlantic. Neither of these desires is likely to be gratified; at least in our day. The acquisition and management by the general Government of all the American lines, now about sixty thousand miles in length, or one half the entire railway mileage of the globe, is too much, even in this age of wonders; and to build a Governmental freight railroad half-way across the continent involves much more difficulty than appears at first sight.

It should be said in behalf of the railway companies that the growth of the country and the development of its resources have advanced so rapidly that their facilities for accommodating business have been unable to keep pace with them. Mr. Bernard Cracoft, of the London Stock Exchange, in one of his investment tracts, says that "the United States at the present rate of their development will be positively compelled to build another hundred thousand miles or more of railway within the next ten years." Between three and four hundred thousand immigrants annually arrive in the Union to augment its productive forces. A correspondent of *Herapath's Journal* estimates that a "virgin territory half as large as Ireland is annually reclaimed from the forest and the prairie." Nebraska, the youngest State in the Federation, has a wheat crop this year of six and a half millions of bushels. The railway lines have found it impossible thus far to keep up with the settlement and the productiveness of the newer States, which contain the grain fields of the continent. They have long been completely choked with the ever-pressing tide of traffic, and the result has been irregularity, delay, and high rates of freight. But time is lessening some of these troubles. New lines are projected; additional tracks are added to the existing lines; the companies are increasing their rolling stock and equipments; and they are introducing more method into the management of their business. Private enterprise and capital will build the proposed highway between the grain fields of the interior and the eastern seaboard, as soon as its absolute necessity shall be demonstrated. If the Federal Government will continue the work of improving the great navigable rivers, and if the several States will take care of the natural and artificial water-ways lying within their respective limits, a great deal will be accomplished towards meeting the demands of the producers of the West. It may be remarked also, that there has been something else which may account for the present trouble of the Western farmers. One of themselves, in a sensible letter which appeared in the *Iowa State Register* last July, tells them plainly that they have been too impatient to get on fast, and to make money rapidly, and that they have been indulging in extravagance as well as in speculation.

We have heard the question asked, "Does this movement mean the ultimate repudiation of all railway bonds, or the total confiscation of railway property?" We answer most emphatically, No! For the one there must be a consenting combi-

nation of all the Corporations, and an agreement among all their stockholders to destroy the property in which they are the chief and controlling owners; for the other, there must be concert of iniquitous action among all the State Legislatures, or a monstrous act of usurpation on the part of the National Congress. Members of the Legislatures and of Congress may be presumed fairly to represent their constituents, and if they shall ever concur in sealing the destruction of all railway property, it will be because a majority of the electors in a majority of the States are ready and anxious for the financial and social chaos which must surely follow. If anybody shall prompt to and insist upon the confiscation of American railway property, it will be the farmers, who are the life of the present movement, and who constitute 60 per cent. of the population of such States as Illinois, Iowa, and Nebraska. Who and what these men are as a class, we were told by the *Times* in an excellent article on the movement the other day, in which their strong common sense, their practical shrewdness, their honesty, and their patriotism, were highly praised. Although harsh and unmeasured language has been indulged in by some of the newspapers and many public speakers, many journals are very conservative on the subject, and the more independent and enlightened of the leaders of public opinion are urging moderation, discrimination, and discretion. An able address in this vein was recently delivered at the State Agricultural Show, held in Lincoln, Nebraska, by the Hon. J. Stirling Morton—the Governor of the State, himself one of the most successful horticulturists of the West, presiding on the occasion. Mr. Morton reminded the Nebraska farmers that the forty millions of dollars expended in railway construction among them had added twice this sum to the taxable value of the land of the State.

II. We can only glance at the farmers' movement as it stands opposed to monopolies other than those of railroads. The articles of constitution to which the patrons of husbandry have given their adhesion, and the political and other public meetings which have been held, include all monopolies, of every kind, and all class legislation, in one common condemnation. It is true that hitherto the force of the movement has been directed mainly against the railway companies, their shortcomings being proximate and tangible, while the baneful effect of other monopolies, or of most of them, is more remote and indirect. And yet the movement is one distinctively against all monopoly, and the politicians who are

aiming at the formation of a new party call themselves anti-monopolists.

The patent laws of the United States, or rather the abuses which exist under them, are considered chief among the secondary grievances of the farmers of the West. Mr. Stirling Morton, from whose Lincoln address we have already quoted, states this question very clearly. Quoting from that article of the constitution which confers upon Congress power to secure for limited terms, to authors and inventors, the exclusive right to their respective writings and discoveries, he says:

"Under the abuse of this power, monopolies have sprung up which are exceedingly burdensome to farmers everywhere. The sole power to sell mowers and reapers, and threshing machines, and improved ploughs, is vested in a few thousand persons in the Union, who compel the millions who use them to pay an exorbitant price for the privilege. The ever-recurring extension of patents by Congress is an imposition upon labour, and an unmitigated and inexcusable swindle upon the producing classes. The patent laws of the United States grant to the patentee a monopoly, and not only award damages, but inflict a penalty for the violation of his exclusive privilege. That the stimulation of invention by proper legislation is a most beneficent and wise prerogative of the law-makers, no thinking man will dispute. But that patents which have already made millions for their inventors or proprietors, shall continually be extended, is an outrage upon equity."

The navigation laws of the United States, in their restrictions and prohibitions, are beginning to be seen in their true character and effect, by the people of the West. These laws are responsible, at least as much as any other one cause, for the present depressed condition of American shipping interests. Protectionist influence has thus far maintained them on the statute book, but as soon as they shall come to be fully understood in their operation at the West, their repeal will be insisted upon, and will speedily be secured. How they interfere with Western prosperity, and consequently with the interests of the whole country, will appear from the following statement taken from the editorial columns of the *Chicago Tribune.* After saying that at the time of writing there were, besides other grains, nearly six million bushels of Indian corn in store in Chicago, the *Tribune* says:—

"This grain has been put in store here *expressly for lake transportation. The corn cannot be moved in any other way.* Behind this stock there are millions of bushels of corn and

wheat in the cribs and station warehouses all over the West. The rates demanded for lake transportation from Chicago to Buffalo are 16 cents per bushel for corn, and we are informed that it is proposed to advance these on future charters to 18 cents per bushel. Corn can be moved at present only by water, and the lake carriers are dependent upon the corn crop for their profits. Last season, while the rate was lower than now, vessels earned their whole cost in three months' time. At the rates now demanded, the profits will, of course, be greater.

"Now, while there is in one sense no monopoly in lake navigation, and every man is free to put as many vessels afloat as he thinks proper, and charge what he can get, *there is a substantial monopoly in the fact that no vessel not exclusively owned in the United States can carry corn or other freight between any two American ports.* Canadian vessels may come to Chicago and carry freight to Montreal, but the law prohibits their taking corn from here to Buffalo. Canada has some seven thousand vessels of all kinds afloat, large numbers of which could be brought into Lake Michigan, and assist in carrying off the surplus crop of the West at reasonable rates. But the law prohibits them from so doing. The result is, that the producers of corn in the Western States have to pay *monopoly prices on water.* Before the opening of the Straits of Mackinaw, and during the whole season, there will be freight offering at Chicago, Milwaukee, and Toledo, sufficient to employ twice the number of vessels that will be at those ports to carry it, while there are on Lake Ontario and the St. Lawrence, a large number of vessels that would gladly come here to do this business if the law permitted them, Now, let the farmers send up to Congress, in the most emphatic form, their demand that these old prohibitory shipping laws be repealed, and the navigation of the lakes be open to anybody who will put a vessel or a steamer on them."

The tariff question, of course, could not remain untouched, in the progress of such a movement as has been described. To condemn monopoly and class legislation, and to leave protective duties unmentioned, would indicate a partial and most limited conception by the people of the West, of the subject with which they have undertaken to deal. For not only are the farmers taxed by the tariff laws as consumers, while they derive no advantage from them as producers; but protective duties, as they are beginning to understand, are, in a large measure, responsible for the present high cost of railway construction and maintenance, and, consequently, for the high

rates of transportation of which they complain. Mr. Edward Atkinson, of Boston, one of the most enlightened and independent thinkers on economic questions in New England, in an address delivered four years ago, showed that the direct effect of the duty of 14 dols. a ton of 2,000 pounds on railroad iron, was, in 1869, to tax the industry and the transportation interests of the country ten millions of dollars, of which amount one-quarter went into the national treasury, and three-fourths into the pockets of the iron-masters. This sum, he affirmed, would build 450 miles of railway on the western prairies, at the rate of 24,000 dols., gold, a mile. In other words, there was a rate of reduction consequent upon this particular impost, equal to eleven per cent. upon the estimated amount of railway track laid down in 1869, namely, 4,000 miles.

The *Chicago Tribune*, in reproducing Mr. Atkinson's address not long since, put the case still more strongly:—"When Mr. Atkinson spoke, there were 52,500 miles of railway in the United States; there were, at the close of 1872, not less than 70,000 miles of track laid. Of this amount, 35,000 have been built since the first of January 1865. The case is even worse now than it was in 1868. Applying his figures to the present condition of things, we find that, taking ninety tons of iron to the mile, there has been used in the construction of these 35,000 miles, 3,150,000 tons of rails since the close of the war. The tax on these has been 14 dols., per ton of 2,000 pounds, the aggregate tax being 44,000,000 dols. For every pound of iron needed for railroad tracks, there are three pounds required for chairs, spikes, bridges, buildings, locomotives, cars, improvements, and other uses; and upon all this iron a similar, if not greater, tax is levied. There were, therefore, consumed for rails, and for all other purposes incidental to these 35,000 miles of new road laid since the war, not less than 10,000,000 tons, upon which this tax of 14 dols. per ton was levied, making an aggregate tax of 140,000,000 dols., or equal to a tax of 4,000 dols. per mile. To this must be added the iron needed for annual repairs. But, taking only the figures of the tax on the first cost of construction and equipment, and assuming the whole cost of constructing a railroad at 24,000 dols. per mile, this tax alone would have built 5,834 miles of additional railroad,—or nearly twice the length of the railroad from Omaha to San Francisco. This 140,000,000 dols. has to be collected, with profits and compound interest included, out of the corn and other products carried over these roads. To pay this tax, the distance in which corn can be transported by rail has been reduced, and the rates for transportation have been advanced.

The man who sold his corn for 35 cents has now to give 10 cents per bushel of that sum to help to refund this tax, and, therefore, now receives but 25 cents per bushel; and so on, according to the distance, the price of corn recedes in obedience to this well-ascertained law. The gross earnings of all the railroads in the United States, from all sources, in 1871, were 454,000,000 dols.; while the tax on the iron alone consumed in the construction of just one-half of these railways was 140,000,000 dols., exceeding one-fourth of the gross earnings of all the railways. Farmers who will attentively read these figures will see how it is that the cost of transportation has been made double what it ought to be, and will discover why it is that, with the increase of railways, the cost of transportation has continually depressed the commercial value of the products transported."

The Des Moines Convention, last July, resolved that the tariff ought to be put on a revenue basis, and that the duty on coal, iron, salt, and lumber, should be immediately repealed. The Minnesota farmers are also committed to a tariff for revenue purposes only. Mr. Stirling Morton, after telling the Nebraska farmers that "the proper way to deal with protective duties, is to abolish them simultaneously and instantaneously," and adding, "if, however, ignorance and prejudice hedge the way to this simultaneous abolition, let the worst go first, those on coal, on pig iron, on salt, on wool, on lumber, on materials generally," said:

"The intelligent and reasoning patron of husbandry will also specially countenance and support, and, in fact, be a patron of free trade, selling and buying to the best possible advantage in all the markets of the world, unfettered by the restrictions of protective legislation."

Many other men of prominence and influence in the West are beginning to attack the protective system in similar language, and the people, in their present state of feeling, are predisposed to weigh carefully all their words.

To conclude, then: the movement of the Western farmers, in its true spirit, is one not of class against class, nor of the people against corporations, but of the people against such abuses as have grown up under chartered privilege and special legislation. Designed at the outset to define and limit the power of some of the great railway companies, and to bring them to a full recognition of their duty to the general public and to individuals, it proposes now to examine the conditions upon which all charters have been granted, and to inquire into the whole subject of special legislation. The men who

from conviction have committed themselves to it, may not fully understand all that is logically involved in it, or the far-reaching application of the principles upon which in particular cases they are now insisting. They are building better than they know; they are, however, impelled by true instincts and by high motives, and if they are consistent, they will not consider the objects of their organisation realized, until all the industrial and economic legislation of the country shall have been freed from everything oppressive, exclusive, and prohibitory. The controversy with the railways will be peacefully settled, and at no distant day. Even as we are penning these closing words, a Chicago journal, bearing date September 6, has come to hand, which, after reporting the arrival in that city during the preceding eight-and-forty hours, of 880,000 bushels of grain, and an aggregate during the preceding ten days of 5,400,000 bushels, says:

"With a few exceptions, there is now less actual complaint against the transportation companies than at any time since the inauguration of the anti-railroad movement. The crop is bountiful and of excellent quality, conducing to the good humour and profit alike of the producer and the carrier."

And a late St. Louis paper remarks:

"The recent large reduction of freight rates has been made, we conjecture, as a concession by the roads to the farmers, and for the purpose of moving the great grain crop of the north-west to the Atlantic. It is creditable to the great lines which have made it, and it will do much to disarm the farmers of the West of their hostility to railroads, and to annul their demand for a legislative regulation of railroad tariffs."

But when public opinion shall have secured substantial improvement in railway management, the work of the anti-monopolists will have but begun. Ex-Governor Palmer of Illinois said, on the 4th of July last, that "free commerce" is the question of the century, adding that it is not to be approached lightly or carelessly; nor to be solved by the teachings of resentment and passion. The farmers, and, we may say, the people of the West, have been too much accustomed to breadth and scope on their prairies and their lakes, to be long satisfied with anything less than absolute freedom in their intercourse with all the world. Protection has been accorded to them upon one of their products, wool, in order to reconcile them to the protective policy, but they have failed to receive the advantages which they were led to anticipate from it. They are now becoming educated by their discus-

sions among themselves, by their more intelligent public men, and by the liberal press, in the cardinal principles of political economy, as evolved from the study and the experience of the last quarter of a century; and when they shall come to an apprehension of these principles, and to a broad application of them for themselves and for the country, there can be no doubt as to the result. We may hope and believe, therefore, that the Western farmers' protest against the abuses of monopoly means, for the people of the United States, more ample transportation facilities by land and by water, and more intimacy of intercourse with the other nations of the globe; and, for the people of Europe, in their import trade, cheaper breadstuffs and provisions, and, for their exports, an open and unrestricted market beyond the sea.

On a New Method of Preserving Meat by the Freezing Process.

By G. C. Levey.

THE dearness and scarcity of meat in Great Britain, as compared with its cheapness and plenty in Australia and South America, has induced men of science in all parts of the world to make experiments with the view of finding out some method by which the excess in one country could be made to supply the deficiency in another. The inhabitants of all parts of the globe are equally interested in the matter, for if it be essential to the happiness and prosperity of Great Britain that her people should be supplied with cheap and wholesome animal food, it is no less important for the settler in a sparsely-populated land, where sheep and cattle are plentiful, to obtain a market for his live stock. There was a time in the history of Australia when fat sheep were unsaleable at any price, and there are instances on record of whole flocks being sold at a few pence per head. But it was soon found that every sheep was at least as valuable as the worth of the tallow which could be obtained from its carcase, minus the expenses of the extraction; and a minimum price for sheep was thus obtained, below which they could not, under any circumstances, fall. In like manner the discovery that, by the tinning method, preserved meat of good quality could be exported from Australia to Europe has still further increased the value of sheep at the antipodes, and, notwithstanding the enormous increase in the flocks and herds of Australia, as compared with that of the number of human beings which that island-continent contains, the price of meat, both wholesale and retail, is now at least

50 per cent. higher than it was before the companies which supply the tinned meats, so familiar to all of you, commenced their operations. *A fortiori*, a more perfect method of preserving meat would still further enhance the value of stock in Australia, and would still further aggrandize the landholders and graziers of that country. I mention these facts to show that the interests of Australia and England, of the Old World and of the Newest World, are upon this point identical, and to account for the fact that in Australia as in England men of science have had their attention attracted to the food question, inspired not only with the love of experiment and the desire of making useful discoveries, but also by the knowledge that any process which would enable Australia to export to Europe bodies of beef and mutton, would have a direct commercial value.

It is not very many years since Australia first commenced the manufacture of preserved meats. So long ago as 1846 Mr. Sizar Elliott exhibited a few packages of meat, fish, and vegetables preserved in tins at Sydney; but it was not until the Melbourne International Exhibition of 1866–67 that the large display made by the Australian Meat Company, Clarence River, first called public attention to the existence of a new source of wealth. The progress of the industry since that time has been very rapid, and at the present date there are in Australia and New Zealand 53 meat-preserving companies, and their exports to Great Britain alone in 1872 were 17,518 tons of meats.

But, notwithstanding the excellence of the meat preserved by the tinning process, it has always been felt that the desideratum was some method which would enable joints of meat from Australia to be sold in the markets of Great Britain, and the solution of this difficult problem was attempted by many gentlemen of scientific ability and reputation. I do not propose to detail the experiments made upon this side of the world. They are, no doubt, familiar to most of you. In Australia Mr. T. S. Mort, of Sydney, threw himself into the inquiry with all the energy of his character. This gentleman is an extensive flock-owner in New South Wales and Queensland, and the success of his investigations would have enormously increased the value of his property. He had likewise under his control a large engineering establishment at Sydney, which enabled him to try the effect of the very complicated and ingenious machinery which he thought necessary for his processes with greater readiness and at less cost than most persons. But after an expenditure of several thousand pounds, and

several years' hard work, he has not been even yet successful, although, from the latest advices, he is sanguine of soon arriving at a favourable result.

The discovery to which I now desire to call your attention was first brought before the public at an exhibition held in Melbourne in November, December, and January last, of which I was secretary, and most of the facts which I shall detail took place under my own knowledge, and were officially reported to my Commissioners by the Rev. J. I. Bleasdale, D.D., one of their body.

Amongst the class of "scientific inventions and new discoveries" Mr. James Harrison made the following entry:—"Harrison, James, 3, Earnbank-terrace, Carlton. Fresh meat, frozen and packed as if for a voyage, so that the refrigerating process may be continued for any required period. By this process, the inventor states, the hold of a ship can be filled with the carcases of sheep and cattle, which are frozen in the act of being stowed. The expense of freezing 500 tons before starting will be 100*l.*; of keeping the cargo in a frozen state during a voyage of three months, 75*l.*; or 7*s.* per ton in all."

Mr. Harrison applied for space in the usual way, and was allotted a portion of the machinery annexe, the sides and roof of which were of galvanized iron. In this space he erected a small wooden house of rough deal boards, something like the cook's galley on board a merchant-ship, and into this he brought early one morning a large quantity of ice, some sawdust, and a cartload of frozen meat, the beef in quarters and the sheep in sides. The place was then locked up. While the meat was in this preserving room Mr. Harrison was allowed access to the building, but was not allowed to bring in fresh ice or meat, or to take away any that had been previously deposited therein. Twenty-five days afterwards I informed him officially that the experts were ready to taste his meat, and in my presence he took out several joints of beef and mutton.

I must confess that I was not very sanguine about the result of the experiment. I knew that Mr. Harrison, who is the inventor of an ice-making machine largely used in Australia, India, and South America, was a great authority in all matters of refrigeration, and I had no doubt of his being able to freeze meat economically. But my opinion, and that of the food experts, was that the results of freezing meat were not very satisfactory. Frozen meat is known well enough to all residents in the tropics and to persons who have travelled at sea in warm climates, but the universal verdict is that the

meat loses much of its flavour, and that so soon as it is taken out of the ice it must be cooked without delay, or the decomposition so long delayed would set in at an accelerated ratio. One gentleman to whom I went for information reminded me of one of Edgar Allan Poe's extraordinary tales. A person is mesmerized *in articulo mortis*, and is kept in that condition for twelve months. At the end of that time the operator is reintroduced to his patient. He makes the proper passes, and the poor wretch becomes demesmerized. In another second the vital spark had finally fled, and a minute afterwards the corpse presented the same appearance that it would have done at that moment had not death been magically arrested twelve months before. In other words, the effect ordinarily produced by decomposition in twelve months took place in a single minute. At the conclusion of his tale my informant added, "And the frozen meat will go almost as soon when it is taken out of the ice." I mention this to show that Mr. Harrison's experiment was not watched by any very sanguine or friendly critics. The views of Dr. Bleasdale are thus summarised by him in his official reports:—

"It will readily occur to anyone who has turned his attention to processes of refrigeration, and is acquainted with the nature of albuminous and gaseous matters, that mere ice will never effect much more than a *superficial* freezing of bodies, holding them in solution; in other words, ice will abstract the caloric out of thick pieces of animal matter, placed in contact with or near to it, only to a little depth below the surface. Consequently, meat thrown into the ice-house of a ship, or other like receptacle, will be and will remain frozen at the outside quite sufficient to hold elements of ferment and putrescence, such as albumen, from being altered to any appreciable extent, and the gaseous bodies from escaping or effecting new forms of combination. But in every instance where the meat has been but superficially frozen, when once the ice casing, so to speak, has been removed, the albumen and those hitherto arrested gases are ready to rise in rebellion, especially on the access of atmospheric air. And the rapidity with which they avail themselves of the chance has not been exaggerated in the instances related to me of American frozen meat."

A portion of the meat which had been taken out of the preserving room was cooked for luncheon and tasted by the experts, who all pronounced that it was excellent. But at that time the meat had only been six or seven hours out of the ice.

A piece of beef fourteen or fifteen pounds in weight was

next cut off, and hung in an underground passage, side by side with a piece of freshly-killed beef purchased at the shop of one of the largest butchers in Melbourne. I should mention that the period of these experiments was Christmas, in the middle of the Australian summer, and that the thermometer, even in the exceptionally cool place where the meat was kept, never fell below 67°. Thirty-five hours afterwards the meat subjected to Mr. Harrison's process was perfectly sweet and good, but the butcher's meat was beginning to show signs of greenness, and in order that it might not be altogether wasted was given away. The frozen meat was allowed to hang, steaks being cut from it from time to time and eaten by various experts, the last portion being consumed 75 hours after it was first hung up, when it was pronounced to be excellent. This was 40 hours after the freshly-killed meat had shown unmistakeable signs of decay.

It was thus demonstrated that so far from the frozen meat being more susceptible to decomposition than freshly-killed meat it was actually much less so.

The principal difference between meat subjected to Mr. Harrison's process and that thrown into an ice-chest in the ordinary manner, is that the former is thoroughly frozen throughout, while the latter is only superficially frozen. The new process converts every particle of moisture that the meat contains into ice; the juices of the meat become solid instead of liquid; and the tendency to decomposition is entirely arrested. On this portion of the subject Dr. Bleasdale remarks:—

"While the cooking was in progress it occurred to me to try the then temperature of the lump, and having some good thermometers at hand I inserted one in the lump, and left another in contact with its outer surface. Even then they both indicated what I should have expected if the meat had been ice, certainly not what I then anticipated. The inserted one indicated that the temperature of the inside of the meat was that of ordinary ice, and the one on the outer surface that of ice passing into thaw, rather lower than the other.

"Now for the first time I began to hit upon the difference between Mr. Harrison's work and the American practice.

"I obtained for the purpose of this investigation a large forequarter of the 'frozen mutton,' and suspended it, after removing a piece, in the corridor above mentioned, and beneath it a vessel to receive anything that might drip down. When the piece was completely thawed (temperature 66°), I found about three-fourths of a wine-glass of water, slightly

coloured. On being evaporated only a very minute quantity of animal matter was found, the water being, as one might anticipate, that deposited from the atmosphere on the cold surface of the joint. Consequently, there was some ground for assuming that the actual water of the meat returned slowly, as the thaw took place, to its normal condition in the flesh. Such experiments as obtaining the juices from the raw flesh after thawing appear to render this important point all but a certainty. How much this has to do with arrestment of gases, and prevention of decay when the thawing is complete, I hardly venture to say, but, no doubt, it has important influence. Certainly the gravy of the meat, when cooked, differed in nothing from that of fresh meat. I am not aware if anyone but myself has boiled any of this meat. While I was testing this point of the condition of the fluids, I cut through a thick leg of mutton, and had one piece of it boiled; and I watched the rise of the pot-scum (the albumen) at its proper temperature, about 178°, and then the fibrine and blood, at 201°, when each put in its appearance at the proper time. The fact is, that by Harrison's process *the meat is frozen to the bone;* and bearing in mind what I have established by experiment, viz., that there is no waste of the natural juices of the meat, nor disintegration of its fibre in the process of thawing, the joint is thus presented to the consumer in precisely the same condition as that in which it was when it left the butcher's shop."

"The action of this *complete freezing* is to annihilate time and space, and to present the joint in a condition to keep like newly-killed meat, with this advantage, that when completely thawed, and on attaining the ordinary temperature of the air, the meat will start on its course of keeping on a level with a fresh joint from the shambles."

I have only further to add that experiments, similar to these which Dr. Bleasdale has already described, were repeated upon several occasions, and in every instance with the same result. It was demonstrated, over and over again, that the meat subjected to Mr. Harrison's treatment would in Australia keep, according to the size of the joint, from 20 to 30 hours longer than freshly-killed meat, or, in other words, that during the process of thawing decomposition was extremely slow.

Towards the close of the exhibition, which came to an end on January 18, the remainder of the meat was cooked, and given away in the refreshment rooms to all those who might choose to partake of it. The favourable verdict

arrived at by the experts and officials was more than confirmed by the general body of the Melbourne public.

After mature consideration the Commissioners awarded to Mr. Harrison the gold medal of the exhibition for his valuable discoveries, and the Trustees of the Public Library and National Museum allowed him the use of a building in order to make further experiments.

I left Melbourne on March 1, to superintend the Victorian Exhibition in London and Vienna, and what has taken place since my departure has been communicated to me by my friend Dr. Bleasdale. Mr. Harrison continued to make experiment after experiment with such satisfactory results that a sum of 2,500*l.* was subscribed by the land and stock owners of Victoria to enable him to bring an experimented cargo of meat to London. The shipment was made by the "Norfolk," which left Melbourne on July 28, and may be expected here in about a fortnight or three weeks.

The results of the experiments which were made between March 1 and July 1, show that Mr. Harrison's original estimate of the cost was in excess of what in practice it turns out to be, and an improvement has been made in the substances used to line the preserving house. It has been found that tallow and bark are better non-conductors of heat than the sawdust originally employed, and they are both articles largely exported from Australia to Great Britain, and will have a commercial value at the end of the passage.

The process is simplicity itself. The meat, after being thoroughly frozen throughout, is packed in iron tanks, which are stowed in a preserving-house built in the hold of the ship. Above the tanks are placed a quantity of ice mixed with salt, and the brine produced thereby trickles over the sides of the tank, keeping it at a temperature much below freezing. Around the whole a protecting envelope of bark and tallow is placed, which protects the outer surface of the ice from the temperature of the outside air.

At a farewell luncheon in the Public Library, Melbourne, meat which had been frozen for 85 days, the average time required for the passage from Melbourne to London, and afterwards kept for seven days in salt, was eaten by a number of gentlemen, all of whom signed the following certificate: "We the undersigned having this day partaken of a portion of a leg of mutton and ribs of beef, salted, preserved by Mr. Harrison's freezing process, wish to state that we found the meat palatable, wholesome, and in no way inferior to that

of an animal killed and salted by a butcher in the ordinary course of his trade."

A very short time will suffice to show whether the good fortune which attended Mr. Harrison's experiments on shore will have been continued to them at sea, and whether the principles he has utilised are capable of universal application. Should the cargo by the "Norfolk" arrive in good order, it is difficult to over-estimate the political and economic importance of the results. The discovery will be as valuable to every other province of Australia as to Victoria, and there would be no reason whatever why South America and South Africa should not devote their surplus live-stock to this market. A reduction in the price of animal food would to a great extent counterbalance the increase in the cost at which coal and iron are now produced, and the manufacturing supremacy of Great Britain would be established on a firmer basis than ever, while the cheapness of meat would sooner or later have the effect of lowering the value of land in this country, and of increasing it in those distant places from which the supply of meat would be derived.*

MISCELLANEOUS.

Mr. FRANCIS FULLER read a paper "On the further Development of the Resources of the Soil. The question of Peat considered."† He said the freeing of the soil, and the development of its resources, while improving and encouraging the labourer, would confer real and very great benefit by removing some of the most formidable dangers that menace the security of the rights of property. It was a waste of time to talk about the difficulties that may be experienced on the administration of a land improvement loan system. It was trifling with a subject of such importance, to talk of difficulties about farm houses, labourers' cottages, and the like, when it has been abundantly proved that by improved cultivation, and the application of sufficient labour, the produce of the land already under cultivation could be more than doubled, and that land now lying idle to all useful employment could be so handled as to produce additional food value of upwards of 100,000,000*l.* sterling per annum. In view of such facts, and of the urgent

---

* Since the paper was read the cargo of the "Norfolk" did arrive, but did not answer the expectation of its owners.—ED.

† See *Transactions*, 1872, p. 517.

necessity of the people for more abundant and better food, and the enlargement of the area of permanent employment, our arrangements must be equitably adapted to our entirely altered circumstances. On this policy alone can the owners of property of all kinds find substantial safety for their possessions, and protection for all rights not palpably adverse to the interests of society. Without discussing the probabilities of any approaching exhaustion of our coal-fields, he contended that both for that event and for excessive dearness we have an efficient remedy in our literally inexhaustible supplies of peat. Admitting that the result of several of the experiments for the preparation and mercantile utilization of peat as a substitute for coal has not been encouraging to those who have not followed the matter up closely, it has, at the same time, been shown that the cause of the comparative—and only comparative—non-success has been the defectiveness of appliances and unskilfulness of manipulation. Peat, he said, can be so prepared as, both for economy and convenience, to form—for various domestic and manufacturing uses—a superior substitute for coal, and that our peat-bogs contain sources of profit so readily available that to ignorance alone must be attributed the fact that in this country they are permitted to remain undeveloped. He showed by Parliamentary Reports that upwards of thirty-one millions of acres are lying waste, about ten millions of which are capable of producing food of the value of 10*l.* per acre per annum—that we were spending about fifty millions sterling per annum in purchasing food—that we have upwards of three hundred thousand young men and women under eighteen years of age utterly untrained, and with no chance of getting a living beyond a street-life. There were about six millions of acres of peat adapted for making coal equal, if not superior, to pit-coal for many purposes, and this peat coal can be produced at a much lower price per ton than coal itself could be got. He stated the value of our peat waste land might be estimated at upwards of eight hundred millions sterling, and that the coal from them could be made by unskilled labour.

A paper on "Our Meat Supplies" was read by Professor Gamgee. The author referred at length to the evils arising from the importation of foreign cattle, and advocated greater restrictions on such importation. It is singular, he said, that whenever a suggestion is made aiming at sanitary restrictions on foreign trade, an outcry is raised against the adoption of what is looked upon as a retrograde policy, and one calculated

to inflict serious injury on our people. He continued: I am a free-trader—I might almost say we are all free-traders, without exception—but the meat question reveals this startling contrast, that during forty years of isolation our herds grew and we were well fed—our population increased rapidly in numbers, and the price of meat receded instead of advancing. During the thirty-three years nearly completed since 1840 we have witnessed the wholesale destruction of animal food and enhanced prices, which have attained a point demanding special investigation as to their cause. No doubt there were those who twenty-five or thirty years since believed that Continental farmers might easily double the quantity of meat supplied by our own islands; but since the publication of statistics that can at all be relied upon, we have learned, especially through Mr. Algernon Clarke, that whereas our home supply of meat amounts to 1,007,231 tons in one year, foreign animals only yielded, in 1872, 61,404 tons, or a little over 5 per cent. of our total meat supplies. Had we not imported foreign stock, we should have saved at least four times as much meat as was represented by the total imported foreign animals; and whereas in years gone by I was thoughtlessly charged with exaggerating as to the evils arising from our foreign imports, we now learn from a careful estimate prepared by the Herefordshire Chamber of Agriculture, that in 1872 the foot-and-mouth disease robbed us of 19,510,707*l.* worth of meat; whereas the total estimate of value of importations of live stock during the year 1872 only amounted to 4,606,582*l.* In other words, we should have saved 14,904,125*l.* worth of meat had we not imported a single animal, and thereby prevented foot-and-mouth disease.

It is almost impossible to educate those in authority justly to appreciate either the gravity or the exact nature of the evils we are suffering from; 10,000*l.* a year are spent, not in the investigation of disease and effectually relieving the country, but rather in tormenting the farmers, hampering the trade, and perpetuating practices which, if rightly understood by the public, would never receive the people's sanction.

If we recommend the slaughter of all foreign animals at the port of debarkation, as a means of exterminating foot-and-mouth disease, knowing as we do that such would be the effect of complete isolation of foreign stock, we are simply met with a shrug of the shoulders and an expression of more than doubt. The fact that this malady invariably disappears or expends itself on any farm or tract of country into which it is accidentally introduced, and the more startling facts of the natural extinction of this disease in Canada and the United

States, and once recently in Australia, are all treated as of little moment, and not warranting stringent restrictions on the foreign trade.

After some further remarks, Mr. Gamgee concluded: In my opinion, if we stop all live stock importation this day, the immediate effect will be the saving of so much British meat, by the natural extinction of foot-and-mouth disease, as to add considerably to our meat supplies with the least possible delay.

Since it is useless to expect from the Government of this country anything so rational and so beneficial to our interests, I say, let us help ourselves, and by showing how much cheaper and better meat can be carried than live bullocks, sheep, or hogs, put an end for once and for ever to the questions of how best to avail ourselves of the meat-produce of the Continent.

Mr. E. Carton Booth read a paper on "Preserved Meats; their History and Uses," in which he gave an account of the modes of preserving meat at different periods, and the introduction of preserved Australian meat into this country. Having detailed the prejudices to be overcome, particularly among the working classes, and the ultimate advantages admitted by numbers of them to be gained by the consumption of preserved meat at a much less cost than home-killed meat, he concluded by saying that the directors of the Australian Meat Agency have organised a working man's committee, under the management of which dinners are given from time to time to the workmen at their places of business and their clubs. These have been attended with the happiest results, and during the coming winter many a working man's wife will be able to buy more coals with the money Australian meat enables her to save from her butcher's bill. "Shopkeepers' assistants and merchants' clerks very soon arrived at a knowledge of the value of Australian preserved meats—in the families of such they are articles of very general use. The rich have found out the delicate character of some of the meats to an extent that makes them unattainable by persons of moderate means. This is sufficiently indicated by the fact that ox and sheep tongues, ox-cheeks, kidneys, kangaroo steaks and tails, all sell at high prices in the market, and every shipment is quickly bought up by the purveyors of fancy comestibles." He believed that in increasing and improving the food supply of the world, one of the greatest and most important problems in social science is being solved.

The Rev. JOHN GUNN read a paper proposing "A Substitution of a Duty on Beer for the present Duty on Malt." The chief ground in favour of the substituting a tax on beer for that on malt is, that it is preferable to impose duties on the last stages of manufactures rather than upon intermediate, or upon the goods manufactured rather than upon the materials. And this is especially the case with beer. The malt tax is necessarily attended with stringent regulations, as to the construction of the building, the wetting, the steeping and sprinkling of barley; the quantities are to be specified, and precise notices to be given to the Excise, which are vexatious and serious obstructions to the business, and thus a bar is placed to the exercise of that inventive genius which is displayed in the improvement of every kind of manufacture which is left free and untrammelled. One result of this obstructive system is to raise the price of malt unduly; and, as the expenses are the same in malting inferior as the best barley, the best chiefly is malted, and there is but one price of malt generally, whereas, were there no malt tax, inferior descriptions of barley would be malted, and there would be different prices and qualities of malt suitable to the means of the customers. Another ground is, that it is impolitic in a fiscal point of view to place the impost upon the first or early stages of manufacture, because ingredients at a higher stage escape taxation; whereas, if the impost were laid upon the completed article, all would be taxed alike. This may be illustrated by the ordinary practice of placing the turnpike-gate as near as possible to the principal town in order to catch all comers. Thus, if the impost were laid upon beer instead of malt, not only malt, but sugar and other ingredients, would be made liable to the tax, which are not taxed, or only partially, under the present system. To the use of sugar Mr. Gunn expressed a very strong objection, on account of its more vinous and intoxicating properties. The farmer would, moreover, be enabled to use malt as he pleased in fattening cattle, instead of his being debarred from it in the most unjustifiable manner. The supply of meat also would probably be increased. The conclusion Mr. Gunn has arrived at is that it is desirable to repeal the duty on malt without imposing it upon beer; but if the exigencies of the country will not admit of it, justice both to the farmer and labourer demands that it should be imposed on beer alone. As at the present time the duty is taken off hops and laid upon beer, all that is required is in like manner to increase the duty on beer, so as to cover the loss sustained by the repeal of the malt-tax. That this is practicable is evident from the fact that up to

1830, when both taxes were imposed, the duty on beer was nearly as productive as that on malt; and now it may be presumed, from the quantity of untaxed ingredients which enter into the composition of beer, it would be quite, if not more, remunerative. At any rate, the moral and physical condition and well-being of the labourers demand that, if needful, some sacrifice should be made of at least some portion of surplus revenue. The present severe excise duties upon the natural beverage of the English working people had rendered the consumption of malt liquors nearly stationary in England, and had driven the people to more dangerous stimulants. At present the price of a coomb of malt was two-thirds more than the price of a coomb of barley, while in old times a coomb of malt could be produced at the same price as a coomb of barley, the increase of volume compensating for the cost of manufacturing the malt. The consequence of the changed state of affairs was that some farmers had ceased to brew beer for their labourers, who were driven to the beer-house accordingly, and could not also obtain an innocent mild malt beverage in their families.

A paper was contributed by Mr. WILLIAM HOYLE on "Our Social and Material Condition, as contrasted with thirty years since." Mr. Hoyle showed that our export trade had increased 400 per cent. during the last twenty-seven years. Wages had risen 40 to 50 per cent. There had been some great improvements in the sanitary regulations of the country, and an important spread of education, and there ought to have been a great addition to the health and longevity of the population. Instead of this, however, the rate of mortality of males in England and Wales had increased from 22·19 per 1,000 to 23·34 per 1,000; the poor-rates had also increased from 33,000,000*l.* for the five years ending 1845, to 59,000,000*l.* for the five years ending 1872. Our lunacy had also frightfully increased; for while in 1852 there were only 21,158 lunatics, in 1873 there were 60,296. The police rates had risen from 6,000,000*l.* for the five years ending 1845, to 13,000,000*l.* for the five years ending 1872. What was the cause of the increase of these evils? Mr. Hoyle argued that it was the appropriation of the higher wages and incomes of the country to the purchase of intoxicating liquors. While the general public only died at the rate of 15 per 1,000 between the ages of twenty-five and sixty-five, innkeepers, &c., died at the rate of 26·8 per 1,000; and for the deaths of every 10 temperate persons per 1,000 of population, those who were intemperate died at the rate of 32 per 1,000. The public expenditure

upon intoxicating liquors during the five years ending 1845 amounted to 389,000,000*l.*; while during the five years ending 1872 it reached 595,000,000*l.* In England the average consumption of intoxicating liquors was 4*l.* 5*s.* 11½*d.* per head; in Ireland it was only 2*l.* 1*s.* 1*d.* per head. Mr. Hoyle argued, upon the whole, that the intemperance of the country was the great cause of premature death, pauperism, lunacy, crime, &c.; and that there could be no reform of these evils so long as the liquor traffic was licensed to do its work of ruin amongst the people.

Mrs. E. M. King read a paper "On the mistake made by Co-operative Societies by giving a percentage to customers." She said she had nothing to say against co-operative societies, but on the contrary she thought they might be very beneficial. Still, to give a premium for spending instead of saving was, in her opinion, not beneficial at all. If, as the principle of giving a premium to the customer was adopted in these societies, all trades were to adopt it, the tradesmen would undoubtedly have to adulterate their goods in order to be able to give the premium. This system of giving premiums would produce mischief in the character and habits of the people, in inducing spending instead of saving, and this would encourage extravagance. Then, again, looking at the system, she objected to it from the side of political economy; for the system worked not only against the principle of the conservation of wealth, but against that of production also, because it cut at the root of capital. It might pay very well at the first outset, but not in the end; and if it were violating the laws of political economy—which she believed it did—it must fail in the end. If other trades adopted this system of premium-giving to customers, these habits of extravagance would be extended, and consequent harm would be done.

Mr. J. Burham Safford, H.M. Surveyor of Taxes, East Dereham, contributed a paper—"Effect of Local Taxation on agriculture and price of provisions." Taking the average income derived from farms, as estimated by the Income Tax Acts, to be one-half the rent, the writer complained that the English agriculturist had, beyond his income tax, to pay rates upon double his income. That is to say, one man making 100*l.* this year from occupation of land, may pay in taxation as much as another making 2,000*l.* from a profession, trade, or *funded* property. This financial crime, he argued, was even subject to be increased, for where the farmer's income was reduced by having interest to

pay thereout, he could deduct no more from the capitalist than the mere income tax. If the improvement accomplished by borrowed capital involves a percentage of taxation beyond what he can possibly recoup himself, the farmer is compelled to adhere to an imperfect system. He attributed to this cause the stationary condition of agriculture observable in many districts; and the parsimonious and insufficient manner in which so large a portion of our land is cultivated and the farms understocked, which no amount of skill can remedy. Hence our over-teeming population suffers from the non-productiveness of home resources, the high prices of provisions, and want of remunerative labour.

The funds, which otherwise would be employed on home labour and on improvement of home lands, on account of the better percentage naturally obtainable from lands not so unfairly burdened, become circulated among and employed upon foreign lands. He, therefore, advocated increasing the incidence of imperial taxation by relieving local taxation of all that was not purely for local benefit and of local character. The capitalist, at the same time, the most able to contribute to, and above all the most benefited by, the protection of a State, he however unwillingly must admit had borne no due proportion of the national burdens. He maintained that the evil was not nor could be met by an universal income tax, at an uniform rate, as a pound rate paid out of circulating capital is a heavier tax than that paid by a capitalist on the interest of his wealth. He submitted that on the relief of local taxation of such items as are strictly of national care and interest, making funded property bear the like proportion thereof, at least, as real property, and by a system of registration of loans, *rendering recovery invalid without registration*, thereby securing the due taxation of such well-protected property, depends the permanent civil as well as financial prosperity of our country, rather than to the artificial combinations upon which it at present stands.

However painfully a re-adjustment will affect individuals or a class, it is now necessary that the justice of the demand be fairly met before that growing spirit is fully aroused which can compel.

Mr. William Westgarth read a paper "On the Law of Capital." He observed that his object was to show how capital originated in a country, and what were the conditions of its maintenance, its increase or decrease. Capital arose in exchanging or trading. Trading resulted from the disposing of

industry into the wholesale form, so that each worker confined himself to some one vocation for the many instead of doing everything for himself. This subdivision of labour, by which better work and more of it were done, was at the base of all wealth and progress. Trading could not be carried on without stocks, without some concurrent balance of the things traded in. This balance, which was greater or less according to the scope of the trading, was substantially each country's capital; as stocks were indispensable, the necessity for them was the cause for the remuneration of capital. This remuneration was properly termed interest for money. Money in the strict sense was simply an adaptation of one or more articles of the market for the more convenient valuing and exchanging of the whole; and the money market, a phrase so well known among us, comprised the whole of the things dealt in, being popularly so called because everything in it was valued in money and exchanged by the intervention of money. The maintenance of capital, then, was in fact one of the chief expenses of trading. In ordinary or normal circumstances, capital could not go on increasing indefinitely unless there were corresponding trading extensions to increase a country's capital requirement or capacity. Hence it was that countries of large trading must always be countries of large capital, and *vice versâ*, even independently of special national qualities of industry, frugality, and so forth, for countries if they had not much trade might have all these qualities without being wealthy, without having large capital. He had been speaking of ready money, but he ought also to deal with fixed investments. Fixed capital was floating capital put into a deferred form for the sake of permanent income. The two kinds of capital bore upon each other by their competing remuneration; and, again, the percentage or income from the fixed capital, or rents, crops, dividends of capitalists, returned upon the market as floating capital. So the law of capital pervaded the whole question. But the law was constant only in normal circumstances, because it was the result of an intelligent appreciation of self-interest. A country of large capital meant a country with great permanent reserve of all the requisites of its people; it had this resource to fall back upon in time of special need.

Mr. WESTGARTH also read a paper on "Paper Money as a State Question." The writer's object was to show that the great general convenience of paper-money, and the preference it enjoyed to a large extent over specie, were considerations for the State making the question its own, and issuing paper

as well as metallic money. So decided is this convenience, that although all present bank-note issues are payable in gold on demand, there is a very large paper issue permanently outstanding throughout the United Kingdom. In England we have no Bank of England notes under five pounds, but in Scotland, where there have long been one pound issues, the preference for paper is quite universal. People thought more of the private profit than of the public convenience of paper-money, and thus were ready to apprehend an over-issue. There had long been a prejudice in England about one pound notes. The prevailing idea seemed to be that our contracts being based on gold, we required some corresponding stock of gold to be upheld in the country, and should not have enough if much of the present holding were displaced by one pound notes. He showed that this mass of gold in domestic circulation was not practically the available resource it was thus supposed. In bad times, with "dear money," some little of it might be yielded up, but generally speaking it was always absorbed. Indeed, in times of crisis we looked outside, not within, for extra supplies of gold. This great domestic stock, therefore, estimated at from eighty to one hundred millions, was practically sealed up. Paper-money might be safely substituted for a large proportion of it, and the substitution would be decidedly preferred by the public. The proposition therefore was, that Government should issue paper-money to such an extent as would materially convenience the public without inconveniencing any of its sections. Taking the outstanding gold circulation at eighty millions, he supposed one-half might be substituted in paper. He proposed even smaller issues than one pound. Why not, if a public convenience? How many felt every day the want of a paper five shillings for transmission purposes, and how much more should we have felt this but for the incidental aid of postage-stamps? He would, therefore, have paper issues of 5*s.*, 10*s.*, and 20*s.*, to such an extent as experience directed, and without altering any existing regulations and privileges as to other note issues. Next came the question of convertibility, and he did not think it necessary to make these Government notes convertible. That was a precaution against dangers that were not presumably apprehended from our Government. There should be only such an amount of issue as would leave gold practically as obtainable as ever, whensoever and by whomsoever wanted. He then alluded to the Bank Acts, 1844–5, which like his proposed measure were based upon public preference for paper-money. There was an obvious principle in the Act at the time, but the

estimated minimum circulation for 1844 was far exceeded now, and yet the Act remained unchanged, so that the principle, whatever it was worth, was lost. Our money market was now too large to give the Bank, great as it was, the relative importance of past days. Yet it was desirable to consider whether some resources for bad times could not be found better than arbitrary suspensions of the Act. Mr. Lowe's proposition of last session was too timid, as a 12 per cent. Bank rate, along with favourable exchanges, meant coming in to view the field of the dead, not to prevent the struggle. He would suggest a more self-acting machine. Of the forty millions the State might receive from the note issues, let ten millions in gold be reserved, part or all of which to be at the disposal of the Bank of England so long as 10 per cent. interest was paid for its use. He had designedly alluded as yet only to the public convenience of paper-money, but the question of profit to the State need not be overlooked. Suppose thirty millions in hand as the result. That is a great financial power if applied unintermittently on the accumulative principle. It would in this way discharge our entire national debt in a little more than a century.

APPENDIX A.

ADDRESS ON THE OPENING OF THE SANITARY AND EDUCATIONAL EXHIBITION, BY THE SHERIFF OF NORWICH, FREDERICK BATEMAN, ESQ., M.D., PHYSICIAN TO THE NORFOLK AND NORWICH HOSPITAL, OCTOBER 2, 1873.

WE are met here to-day to inaugurate the Sanitary and Educational Exhibition in connection with the Social Science Congress of 1873, and I need not say that I feel greatly honoured by being asked to preside on this most interesting occasion. The idea of forming a Sanitary and Educational Museum for the inspection of members during the annual meeting, originated two years ago at Leeds, and the experiment proved so satisfactory, and the scheme was carried out with such success, as to afford every reason for hoping that a similar exhibition in the capital of East Anglia would not prove inferior to that of Leeds, either in attractiveness or in substantial results. The object of this movement, which has been fully stated in the published prospectus, may be summarised as an attempt to bring under the notice of the Social Science Congress, and of the public generally, all the latest scientific appliances for improving the public health and promoting education.

I feel it a high compliment to be invited to inaugurate this Exhibition, for, as a professor of the healing art, I am fully alive to the paramount importance of attention to sanitary measures. I hold the doctrine that prevention is better than cure, and I consider it to be the special province of the medical profession, as guardians of the public health, to study the causes of physical deterioration and of disease, and to point out how far these causes may be controlled or averted. I fully believe that a large proportion of the ills that flesh is said to be heir to, are dependent on causes within our own control, and that when sanitary laws are better understood and elementary physiology made an integral part of education, certain diseases will disappear altogether, others will become much less formidable, and the rôle of the physician will become, in many cases, a passive one, and the Hygeist will take the place of the Therapeutist. What length of time will elapse before this happy state of things arises—before this sanitary millennium occurs—I know not; but the tendency of the age is certainly in this direction, as shown by the nomination of professors of hygiene in our medical colleges, by the compulsory appointment of Medical Officers of Health, not only in large towns, but in the rural districts, and by the great interest in all sanitary matters which pervades the length and breadth of the country.

The comparatively recent visitations of cattle plague and of cholera, the rapid increase in the population of our large towns, the limited amount of water supply, the pollution of our water-courses, the insuperable difficulties in the disposal of our sewage, together with other causes, have prominently

called attention to the importance of sanitary arrangements, and there never was a time when the public mind has been so much directed to all that concerns the health of the people.

The enforcement of sanitary laws is now become one of the recognised duties of the State, for it has been proved that more men are destroyed by preventible disease than by the sword, and experience has shown that it is much more economical for a State to protect the health of armies than to treat such men as fall sick, and that the surest way to effect this is to avoid the causes which are known to produce disease. The prevention of disease by sanitary precautions thus becomes a vital question of political economy, and I hold that the successful sanitary officer is as much deserving of the high rewards which the State confers, as the successful general who alone obtains them. The fame of the immortal Jenner does not rest on his skill as a physician, but on his discovery of a mode of preventing disease which has preserved lives that may be counted by hundreds of thousands; and yet a British Government ordered the removal of his statue from one of our public squares in order to give place to that of a successful general! Now, in thus expressing myself, I would not have it thought that I wish to disparage the self-denying career of a soldier; none will yield to me in acknowledging the debt of gratitude we owe to those who devote their lives to the cause of their country, and who are prepared to bleed and to die in defence of it, but I maintain that this slight to the memory of the great Gloucestershire sanitarian will be condemned by future generations, and, in far distant times, when perchance Macaulay's New Zealander shall take his stand on one of the ruined arches of London Bridge, an enlightened posterity will consider this act of Vandalism as a blot upon the intelligence of the nineteenth century. If the shade of the immortal Jenner should chance to hover over the Temple of Sanitary Science, the opening of which we now inaugurate, it may console itself with the thought that when the trophies of war are buried in oblivion, and the valiant deeds of the warrior are perchance effaced from the page of history, the name of the sanitarian Jenner will remain indelibly inscribed in letters of gold on the everlasting roll of Fame!

Hygiene, as you doubtless are aware, is the art of preserving health, and is that branch of sanitary science which embraces the physical condition of communities and of individuals. It has been defined by Dr. Parkes as the art of obtaining the most perfect action of body and mind during as long a period as is consistent with the laws of life. In other words, it aims at rendering growth more perfect, decay less rapid, life more vigorous, death more remote. This art, revived in our days, was practised from the earliest times. The writings of Moses teem with excellent hygienic regulations, and Hippocrates, the father of medicine, wrote treatises on diet, on air, and on water. In the accounts of the Greeks and Romans, the constant mention of gymnasia and of baths shows the importance they attached to them, and would lead to the inference that the practical application of the principles of public health was intimately connected with the high state of civilisation to which these countries rose. It was not, however, till quite recently that the attention of the English public has been called to the importance of Hygiene, and I must think that one of the principal means of enlightening the public mind upon this as upon so many other matters, is the periodical assembling in our large centres of that society which is now honouring Norwich with its presence.

I believe it is impossible to over-estimate the importance of these Congresses, and I believe that England's greatness depends much, very much, upon the fact that while other nations have been wasting their time and spending their treasure upon those arts and sciences which tend to destroy

life, we, on the other hand, by the enjoyment of the inestimable blessing of peace, have been spending our time in cultivating those arts which tend to prolong life, and to make that life more agreeable to its possessor and more useful to society. As an illustration of this, I would observe that at a former meeting of the Social Science Congress, the daily reports of the proceedings in the newspapers were to be read side by side with painfully sensational news thus headed:—"More fighting before Paris!" "News from Paris by a Carrier Pigeon!" Now I would say, "Look on this picture and look on that." The mitrailleuse, the needle gun, the monster cannon, and other deadly weapons have done their infernal work, and have hurried off thousands of human beings from this earthly stage, and victory —so-called glory—has been the lot of one of the contending parties. To the eye of the philosopher and of the philanthropist, all this is only the triumph of physical force—it *may* be the triumph of might against right. Let us congratulate ourselves that we live in a country where we have leisure and opportunity, by means of such Congresses as that which is now assembled in this city, of studying those means and appliances by which human life can be prolonged, not destroyed, and let us be thankful that we can apply to ourselves the words which I have seen written in letters of gold on the walls of the lecture hall of a celebrated medical school:—

> "Ad cædes hominum prisca amphitheatra patebant
> Ut longum discant vivere, nostra patent."

Let us by studying the best means of properly ventilating our houses, of draining our towns, of disposing of our sewage, of ensuring a free supply of pure water and of unadulterated food—let us show the value we set upon human life, and our sense of obligation to the God who gave it.

If time permitted, I should like to enquire how far Sanitary Science is carried out in Norwich. One of our great authorities, Dr. Rumsey, says that the destructive influences at work in the dwelling-places of the million include soil-poisoning, water-poisoning, and air-poisoning. Now these three causes of disease may all be advantageously studied in connection with the question of the Utilisation of Sewage, a subject which at this crisis is fraught with so much interest to the inhabitants of this city, who have neglected no effort to secure those sanitary conditions of effectual drainage which the latest scientific discoveries would seem to enjoin; and our local authorities can be fairly vindicated from the imputation of supineness with regard to this important matter. They have fully recognised the undesirability of pouring liquid sewage into our rivers and streams, to the destruction of comfort, and to the prejudice of health, and they have shown themselves willing to incur any reasonable trouble and expense to prevent the sewage from thus polluting our water-courses. In prosecuting our sewerage works, engineering difficulties of a most formidable character have been encountered and successfully overcome, but I regret to say that our gigantic works, when they seem just at the point of completion, have been interrupted by fresh difficulties quite unforeseen. So little seems to be really known as to the best means of disposing of human excreta, that I think, and this opinion is shared by many others, that the question should be dealt with rather as an *imperial* than as a *local* measure, and that individual towns should be spared the heavy expense of making experiments for the benefit of the whole civilised world. I rejoice to find that this question will form a prominent feature in the Health Section of the Congress, and the recent investigations of Mr. Alfred Smee on the supposed danger of sewage irrigation, and on the outbreak of typhoid fever in Marylebone, render it extremely desirable that the Congress should not separate without endeavouring to decide the

question as to whether the application of the liquid excreta of towns to land on the irrigation system, is a safe and perfect way of disposing of it.

Having thus far considered the science of Hygiene in the abstract, let me say a few words about this Exhibition. One of the declared objects of this Congress is to afford all those persons who are engaged in the various efforts for the improvement of the people an opportunity of learning what others have done, of effecting a free interchange of ripe experience, and of mutually profiting by the criticism of cultivated minds. Buckle says, that "one of the reasons why civilisation made so little progress in ancient times was, that the knowledge of an invention, or a discovery made in one place, stood little or no chance of being communicated to another." By means of the Exhibition we inaugurate this morning, the inhabitants of this district and the visitors to this Congress are made acquainted with the latest improvements in Social Science, or in that department of it which has reference to sanitary and educational matters, known to the civilised world.

It is not for me to enter into any details respecting the contents of this Exhibition. Suffice it to say that short explanatory addresses will be given by competent persons each day. A glance round this building will show you that the committee who have initiated this movement, whilst impressed with the importance of attention to the Hygiene of the body, have not neglected that of the mind, fully recognising the mutual dependence of the one upon the other, and the impossibility of dissociating the two. The importance of securing the *mens sana in corpore sano* has thus not been overlooked, and I need not say that any system of Hygiene which ignored the education and cultivation of the mind would be imperfect, for the body is affected by every mental and moral action, and the mind is profoundly influenced by bodily conditions. Amongst the various publications exhibited, I would call your especial attention to a series of tracts published by the Ladies' Sanitary Association, a society of which I cannot speak too highly, and which I believe is doing an incalculable amount of good, by diffusing sanitary information in a cheap and popular form.

Several of the peripatetic societies which constitute such a powerful lever for good in this age of progress have in their turn visited this locality; we have had the honour of receiving the Church Congress, the British Association, the Archæological Society, &c., but this is the first time that we are privileged to receive the Social Science Congress, which is, perhaps, the most practical of all such organisations for the furtherance of human good, dealing, as it does, with matters of primary and daily importance which concern alike the prince and the peasant.

I now, therefore, declare this Exhibition opened, and beg you to allow me, in the name of my fellow citizens, to bid you all a cordial and hearty welcome to the good old city of Norwich.

MECHANICS' LIBRARY ASSOCIATION SAN FRANCISCO, CAL.

APPENDIX B.

REPORT OF THE MANAGING COMMITTEE OF THE SANITARY AND EDUCATIONAL EXHIBITION TO THE COUNCIL.

THE Managing Committee have much pleasure in reporting that the Exhibition of Sanitary, Educational, and Domestic Appliances, held in the Drill Hall, during the recent Congress, was a great success. The Exhibition was based upon the experiment so successfully tried at Leeds in 1871, which was the first of its kind, and the amount of interest taken in it by the public offered encouragement for another similar attempt. The city of Norwich was considered a place highly suitable for such an Exhibition, and the Council of the Association in the early part of the year sanctioned the organisation of the undertaking, by appointing this Committee to conduct its management. Hitherto the scope of the Exhibition had been confined to sanitary appliances principally, but on the representation of the Rev. Canon Howell the educational was added to the sanitary and domestic, and in this a new and important feature was combined.

The object of the Exhibition was to bring under the notice of the public generally, and particularly those who were interested in social, sanitary, and educational questions, the latest scientific appliances for improving the public health and promoting education. Among these may be mentioned all matters relating to architectural and sanitary engineering, warming and ventilation, heating and cooking, water supply, sewage and drainage, food, disinfectants, hygiene in clothing, and other things relating to the prevention of disease and preservation of health; models of buildings, school furniture, books and other articles used in teaching, and all sorts of appliances appertaining to the advancement of sanitary science, the promotion of education, and the improvement of the health and domestic comfort of the community at large.

A mere nominal charge was made for space and admission, just sufficient to cover the costs of making the necessary arrangements and defraying the working expenses, and the whole was undertaken subject to regulations and conditions approved by the Executive Committee of Council.

The Committee have to thank Major Du Cane, Chairman of Directors of the Convict Prison Board, for kindly placing at their disposal several models of prisons, showing different systems of warming, ventilation, and interior arrangements. Also the Board of Works for models, plans, drawings, and photographs of the Metropolitan Main Drainage and public works; and the National Lifeboat Society, and individuals who favoured the Committee with the loan of models for display.

For the cost of transit and other expenses connected with articles sent for gratuitious exhibition the Committee desire to return their thanks to the

Local Executive, at Norwich, for their liberality in granting 15*l.* for this purpose.

The large and spacious Drill Hall was placed at the service of the Committee (with the sanction of the Government) by the Commanding Officer, for which the thanks of the Congress at the concluding meeting were given. The Hall was admirably adapted for the purpose; the number and bulk of articles were just enough to fill it; and it is gratifying to the Committee to be able to congratulate the Council upon the success of the experiment, and the instructive and interesting display of useful and scientific objects.

The Exhibition was open from the 2nd of October till the 11th, and it is computed that upwards of 20,000 persons visited the Exhibition. The sum of 86*l.* was taken at the doors, and about the same amount for space. This has just sufficed to pay all charges and working expenses; and this year as far as funds are concerned the Association will not realise any profit. But indirectly the Congress has been a considerable gainer by the Exhibition, inasmuch as the Committee have reason to know that the Exhibition contributed in no small degree to the success of the Congress. The Committee therefore feel that such an Exhibition is a valuable auxiliary at the time of the Congress to the ordinary business and discussions of the Departments, and they hope that the Council will not lose sight of an opportunity in future of promoting similar displays.

The Exhibition was opened by Dr. Bateman, the Sheriff of Norwich, who honoured the Committee by delivering a short address *a propos* of the occasion. On each succeeding day addresses were delivered in the Hall by gentlemen thoroughly competent to handle the subjects they took in hand. These were as follows:—

1. On Sanitary Engineering and Architecture, by Edward Boardman, Esq.
2. On School Hygiene, by William Hardwicke, Esq., M.D.
3. On Food and Cooking Arrangements, by Charles Williams, Esq., M.R.C.S.
4. On the Composition of Waters and on Disinfectants, by Francis Sutton, Esq., F.C.S.
5. On Warming and Ventilation, by W. J. Stark, Esq.

These instructive lectures were listened to with great attention by a large proportion of the visitors, and the Committee have to thank the lecturers, through the Council, for their valuable services.

In accordance with a resolution passed at the Leeds Exhibition, that it would add importance and value to any future Exhibition held under the auspices of the Association, if competent judges in their respective departments were formed among Members of the Congress, for the purpose of carefully examining and pronouncing an opinion as to the excellence of the exhibits, and with power to grant a Certificate of Approval, the Committee appointed adjudicators to examine and report on the excellence in display only of the various exhibits. These functions were undertaken and performed by gentlemen of undoubted qualifications, and the following were awarded Certificates of Merit:—

Warming and Ventilation.

J. L. Bacon & Co., 476 New Oxford Street, London.
D. & E. Bailey, 272 High Holborn, London.
Barnard, Bishop, & Barnard, Norwich.
Colman & Glendenning, Norwich.
Derwent Foundry Company, Derby.
James Howorth, Victoria Works, Farnworth.

Baldwin Latham, C.E., 7 Westminster Chambers, London.
Macallum & Co., 3 Great Winchester Street Buildings, London.
John Parlour, Redwell Street, Norwich.
Piper & Theobald, Norwich.
Rosser & Russell, 118 Dorset Street, Fleet Street, London.
Verity Brothers, 28 Bishop's Road, Paddington.
Thomas Waller, 47 Fish Street Hill, London.

Domestic Appliances and Cooking Apparatus.

Bell & Co., 490 Oxford Street, London.
J. H. Bly, Vauxhall, Yarmouth.
Davis & Son, 87 York Street, Westminster.
George Kent, 199 High Holborn, London.
Silver & Co., 67 Cornhill, London.
Walker & Co., 54 London Wall, London.

Sanitary Architecture.

C. J. C. Bailey, The Pottery, Fulham.
Burgh Castle Portland Cement Company, Great Yarmouth.
Cleveland Slag-working Company, Middlesborough.
H. H. Collins, 5 Queen Street, Cheapside, London.
Doulton & Co., Grove Road, Victoria Park, London.
Doulton & Co., High Street, Lambeth.
Benjamin Edgington, 2 Duke Street, London Bridge, London.
William Hardwicke, M.D., Park Place, Paddington.
Howard & Sons, Berners Street, London.
J. F. Meakin, 84 Baker Street, Portman Square, London.

Sanitary Engineering.

Bacon & Co., 476 New Oxford Street, London.
R. W. R. Birch, Watton, Norfolk.
Joseph Blackmore, Stockport Road, Manchester.
John Borwell, Britannia Foundry, Burton-on-Trent.
D. T. Bostel, Ship Street, Brighton.
Carbon Fertilizer Company, 31 Palmerston Buildings, London.
Henry Dean, Southam, Rugby.
Doulton & Co., High Street, Lambeth.
Doulton & Co., Grove Road, Victoria Park, London.
John Duthie, Preston.
General Sewage and Manure Company, 2 Victoria Street, London.
McNeil Greig, 107 Adrian Terrace, Redcliffe Estate, London.
W. B. Head, 138 High Street, Notting Hill, London.
George Jennings, Palace Wharf, Stangate, Lambeth.
Joseph Jobson, Derwent Foundry, Derby.
Lambert & Sons, Short Street, New Cut, London.
Baldwin Latham, C.E., 7 Westminster Chambers, London.
Malcolm McLeod, 59 Bridge Street, Manchester.
John Maxwell, 2 Westminster Chambers, London.
G. Nelms, Woodstock, Oxon.
John Parker, Woodstock, Oxon.
Peat Engineering-Sewage Filtration Company, 150 Leadenhall Street, London
Thomas Penn, 40 Westbury Street, Wandsworth Road, London.
R. M. Phipson, Surrey Street, Norwich.
Sanitary & Economic Manure Company, 6 St. Ann's Square, Manchester.

Filters.

George Busse, 63 Hatton Garden, London.
George Cheavin, Boston, Lancashire.
Doulton & Co., Lambeth.

George Kent, 199 High Holborn, London.
London and General Water Purifying Company, 157 Strand, London.
A. Pank & Son, Norwich.

Disinfectants.

F. C. Calvert, Manchester.
Eureka and Chlorozone Fluid Company, 8 George Street, Sloane Square, London.
T. W. Garrard, University College Hospital, London.

Food.

T. F. Blanchflower & Sons, Great Yarmouth.
J. & J. Colman, Norwich.
English Condensed Milk Company, Aylesbury.
Geyelin & Co., Argyle Square, London.
Goundry & Co., 13 Coopers Row, London.
Hewitson & Co., 17 Harp Lane, London.
J. L. Johnston, Edinburgh.
McCall & Co., 137 Houndsditch, London.
John Picard & Son, 140 Strand, London.
D. Tallerman, 113 Cannon Street, London.

Hygiene in Dress.

Dowie, Son, & Marshall, 455 Strand, London.
Nicholl, Donald, & Co., Paternoster Row, London.
Eugene Rimmel, 96 Strand, London.

Sewing Machines.

Newton, Wilson, & Co., 144 High Holborn, London.
'Singer' Manufacturing Company, 147 Cheapside, London.
Wheeler & Wilson, 9 London Street, Norwich.

School Furniture and Educational Appliances.

T. J. Allman, 463 Oxford Street, London.
William Collin, Sons, & Co., Warwick Square, London.
Colman & Glendenning, Norwich.
G. M. Hammer, 108 St. Martin's Lane, London.
G. E. Hawes, Norwich.
Jarrold & Sons, Norwich.
Dr. Liebreich, St. Thomas's Hospital, London.
Thomas Murby, 32 Bouverie Street, London.
T. Nelson & Sons, Hope Park, Edinburgh.
John Yeats, LL.D., 1 South Buildings, Clapham, London.

The adjudicators estimated in accordance with instructions received from the Committee, viz., that in judging of the respective articles their decisions should be guided by the abstract merit of the article, and not by comparison with others in the same class.

Forms of Certificates of Merit for excellence in display are accordingly prepared for distribution.

At a meeting of the Exhibitors, held in the Hall, the following resolutions were passed:—

"1st—That the best thanks of the Exhibitors be presented to the Rev. Canon Howell and Dr. Hardwicke, and the Committee of the Sanitary and Educational Exhibition, for the exertions they have made to render the Exhibition so successful as it has proved.

"2nd—That the Exhibitors at the Sanitary and Educational Exhibition wish to express their sense of the indefatigable exertions of Mr. James

Robinson, Secretary to the Managing Committee; and it is their desire that this expression of opinion should be specially brought under the notice of the Council of the Social Science Congress, as they feel that the success of the Exhibition, and the satisfaction given to the Exhibitors, is in a great measure due to his praiseworthy efforts."

These resolutions having been passed, the Chairman expressed himself as follows:—

"Those of the Exhibitors who were present with him at the Leeds Exhibition of 1871 must be particularly struck with the great advance made in the Norwich Exhibition, the financial success of which must be particularly gratifying to those who were pioneers of the movement. As this Exhibition had proved such a success, we might look forward to the Glasgow meeting next year with very sanguine expectations. There was no doubt that the mutual advantages to be derived from the addition of the Exhibition to the Social Science annual gathering were considerable, and it was of great importance to attract practical men to scientific meetings."

APPENDIX C.

REPORT TO THE CONCLUDING GENERAL MEETING OF MEMBERS AND ASSOCIATES.

ON the termination in this city of the Seventeenth Annual Congress of the Association, the Council have to report that the arrangements made by the local executive have been carried out to the perfect satisfaction of all parties, and that the proceedings of the various departments have been most important and interesting. The congress, both in point of number attending, and the nature of the business transacted, has been highly successful, and in this the Council feel that they are much indebted to the local secretaries for their untiring zeal and activity.

The Council have to report that the Sanitary and Educational Exhibition held at the Drill Hall, kindly placed at the service of the Association by Colonel Boileau, has been a great success, and has far exceeded their most sanguine expectations.

The Council have to tender their best thanks to the following for the kind and generous spirit in which they have responded to the requirements of the Association:—

"To the Bishop, for his sermon; the Mayor and Corporation, for use of St. Andrew's Hall, Guildhall Free Library; to Dean and Chapter, for granting use of Cathedral for sermon; to the Executive Committee, local and assistant secretaries, for their arrangements; to Messrs. Gurney & Co., for the use of Crown Bank as reception room; to Colonel Boileau and officers of 1st Norfolk Rifle Volunteers, for the use of Drill Hall; to the Sheriff, for his inaugural address at the Drill Hall, and to the other gentlemen who have delivered addresses there; to the Chairman of Public Library; to the Managers of Prince's Street School Room; to the Mayor and Miss Bignold, for their hospitable reception at the soirée, and

to all who have thrown open their houses for hospitality to members of congress; to the Lord Lieutenant, Lord Stafford, and Marchioness of Lothian, for throwing open their houses and parks to visitors; to the Chairman and Committee of the Museum; to manufacturers who have kindly permitted their factories to be visited; to the Conductor and singers who added to the pleasure of the congress by their performances at the soirée; and to ladies and gentlemen for loan of paintings."

JURISPRUDENCE DEPARTMENT.

International and Municipal Law Section.—The following subjects have been considered in this department:—The Assimilation of English and Foreign Commercial Law; the Supreme Court of Judicature Act; the Method of Framing and Passing Acts of Parliament; Church Patronage; the Marriage Laws; the Transfer of Land; the Law relating to Agricultural Tenancies; an International Code, and International Arbitration; and the Law relating to Juries.

The reading of papers on the above subjects was followed by interesting discussions. The advantage of an assimilation of English and foreign commercial law was fully recognised, assuming it to be practicable; and it seemed to be the opinion of the section that, so far as regards bills of exchange, a reform in this direction might be effected without difficulty. On the method of framing and passing Acts of Parliament, the section seemed to be of opinion that Bills should at some stage of their passing through the Legislature, be submitted for criticism to a committee appointed for the purpose, before being allowed to pass into law. With regard to the law relating to agricultural tenancies, the majority of the speakers recognised the justice of the tenant's claim for unexhausted improvements effected by himself, in case of eviction by the landlord. In the discussion which followed the paper on the jury laws, there appeared to be an unanimous opinion of the desirability of putting lodgers on the jury list, and especially those who might not be following any occupation, but might be living on private means. The facilities for a composite jury, as proposed by the Bill of the Attorney-General of last session, were generally approved of; as was also a suggestion that the jurors for the sittings in London and Middlesex should be summoned from a common metropolitan area and not from the county of Middlesex and city of London alone.

Repression of Crime Section.—The special subjects discussed in this section were:—The punishment of young persons under eighteen: the administration of justice in quarter and petty sessions; and the system of discipline in county and borough prisons.

Voluntary papers were also read on prison industry and discipline; the treatment of prisoners before trial; the treatment of life-sentenced prisoners; the causes and prevention of crime; and on Indian prisons. Discussions followed after every paper. The opinion of the section seemed to be that industrial labour could be adopted in the cases of prisoners undergoing long sentences, but that in short sentences there was not sufficient time to teach a prisoner a trade well enough for it to be of use to him. That "prison labour ought to be productive," was an opinion expressed by more than one speaker.

At the close of the discussion on prison discipline, it was resolved unanimously:

"That this section recommend to the Council to consider the propriety of applying to the Secretary of State for the issue of a Royal Commission to enquire into the discipline and management of county and borough prisons."

After the discussion of Mr. Sheridan's paper, on "the Treatment of Prisoners before Trial," it was resolved unanimously,—

"That this section, deeply impressed by the great injustice caused by existing arrangements for the custody of untried prisoners, recommend to the Council of the Social Science Association to support Mr. Sheridan in the introduction of his Bill into Parliament to meet the case of prisoners before trial."

EDUCATION DEPARTMENT.

The question whether the Universities could examine Sunday Schools and Sunday teachers and provide a training for secondary teachers, was discussed; but there seemed to be a general opinion that the Universities had already so much work on their own hands, that even if it were thought advisable, they could hardly undertake so extensive a duty. It was further suggested that the pressing need of an extended curriculum, and the large schemes of university reform still necessary, would probably give them sufficient occupation for a long while. The second question was hardly touched upon, except in the paper of the Rev. L. Brereton.

The large preponderance of opinion exhibited by the meeting in favour of the arguments in Miss Jex Blake's paper for the admission of women to medical education and medical degrees, leads to the hope that in a short time the arbitrary restrictions, which do not seem to depend on the law of the land, but on the will of certain examining bodies, may be swept away. Though the section was not unanimous, there was a general preponderance of opinion that women were at least entitled to prove themselves unfit.

The question of the higher education of women found able exponents in Mrs. Grey and Miss Beale, who urged the need of systematic education in well-directed schools, to be supplemented by lectures for those who, having passed the school age, wished to prosecute their studies further. The subject of education by correspondence was touched upon by more than one speaker. The Council will be glad to learn that the question was discussed with an earnestness and vigour worthy of the importance of the subject, and with a general unanimity in favour of giving them further opportunities.

Miss Hubbard's paper on elementary teaching as a profession for ladies, was directed to show that the college inaugurated at Chichester for their training supplied a real need. The influence of a more highly educated class of women in the elementary schools cannot be over-estimated. At the reading of a paper, Canon Howell communicated an offer to pay half the expenses of any candidate, the daughter of a clergyman, who should be deemed exceptionally deserving.

Papers were read by Sir T. Fowell Buxton, and Mr. Blake-Humphrey, on the co-existence of School Boards and voluntary schools. Different opinions were expressed as to the system of education which would ultimately be developed, but it was generally conceded that for some years the two systems must and ought to go on side by side, and prove the results which they were able to produce in towns and country districts respectively.

On the question of the best way of reaching the hitherto untouched portions of the people, the Arab class in our large towns, two different views were advocated. Miss Carpenter urged that these children must be withdrawn from home contamination by the establishment of day schools, in which, besides industrial training, food should be provided for the children. Mr. Lambert, on the other hand, who thought that such schools would tend to demoralise the parents by taking their just burdens away, proposed the creation of a kind of third class of elementary schools, which should be a training ground for the national schools. These schools would have a semi-penal character, and consequently the desire to rise from them would be the

greatest incentive to exertion, whilst the fear of being sent to them would contest the irregularity of the children in the ordinary class schools. The discussion, which fell wide of the mark, touched neither of these views, except in so far as there seemed a decided opinion expressed against giving these schools a special eleemosynary character, whilst no objections were urged against a general system of free schools.

The report of the proceedings of the section will not be complete without mention of the papers on commercial education, by Dr. Yeats; on the higher education of the blind, by Commander Dawson; and two papers on education in India, by C. Menasachio Ijah and Mutu Coomara Swamy.

A long discussion followed two papers by Mr. T. M. G. Meiklejohn and Mr. C. H. Lake, on the effects of the pressure of competitive examination upon education. The dangers of undue competition, both by its effects on education and as a means of selection for public service, were much insisted upon, but no means were suggested for altogether superseding it.

A paper was read by Mr. Joseph Payne on the unsatisfactory results of our primary instruction. The fact of the present low state of instruction was admitted, though various views were held regarding the working of the system.

The Rev. Dr. Raven also read a paper on the admission of boys from elementary schools into grammar schools, which was fully approved.

HEALTH DEPARTMENT.

On the first special question, "Administrative areas for sanitary purposes," papers were read by Mr. Lewis Angell, C.E., and by Dr. Carpenter. Forcible arguments were submitted in favour of large and even county areas of sanitary administration, as tending to secure better local authorities as well as the best qualified officers of health, and the chief objections urged to such large areas were that the salaries of these high-class officers would alarm ratepayers and excite opposition. On the whole, it was considered that more experience was needed as to the working of the Public Health Act of 1872, before arriving at definite conclusions as to the most necessary changes to be recommended.

The Report of the Joint Committee on State Medicine of the British Medical and of this Association was read, and it was unanimously resolved that the Council of this Association be recommended to re-appoint its committee for the current year. Fifty members were present.

The Disposal of Sewage question occupied the attention of a very full meeting of members of the Department, and papers on it were read by Mr. Alfred Smee, F.R.S., and by Dr. Peter Eade. The author of the first paper sought to show that the distribution of sewage over the soil was fraught with danger to public health, and to the health of cattle and sheep fed on the produce of land thus irrigated. These views were strongly combated as chimerical by several speakers, and there was much difference of opinion expressed as to the respective advantages of the irrigating, and the precipitating and deodorizing methods of dealing with the sewage of large towns. The sewerage works of the city of Norwich were fully described, and their failure was attributed not to errors of principle, but to the nature of the soil, which in some parts required more solidly constructed brickwork than has been used.

In view of the varying circumstances of different towns, and the difficulties which at present attend the disposal of the sewage of inland towns, the Department did not see its way to arriving at anything like an unanimous conclusion on this important question.

Papers by Mr. R. R. Arntz and Mr. H. H. Collins were read on the General Building Act question. The necessity of having in operation for the whole

country a General Building Act, the provisions of which should effectively provide for the health and comfort of the people, was shown by the estimate that during the ten years 1871–80 a million and a-half houses would probably be erected, at a cost of over 260,000,000*l.* sterling, or 26,000,000*l.* yearly. The Metropolitan Building Act was considered to be defective in its restrictive provisions applicable to the erection of buildings; and in respect to stability of construction an unambiguous definition of the word "foundation" was much required; and the papers place on record for consideration, the defects of the Act as to the necessary thickness of walls and internal sewerage. In many other respects the general opinion of the Department was in favour of an amendment and extension of the present Buildings Act.

Many voluntary papers of considerable importance occupied the attention of the Department. Miss Nightingale contributed a valuable paper, of which the title was—"How some people have lived, and not died in India." The paper showed that wherever judicious sanitary arrangements had been carried out, there resulted a great fall in the rate of mortality, and it required but the Government of India to continue to sustain the energetic efforts of their officers, and to insist on the municipal and local authorities taking active measures, in order still further to insure an improvement in the public health.

Dr. Dyke contributed a practical paper on the systematization of Reports of Medical Officers of Health.

Mr. Baldwin Latham, "On a Constant Supply of Water."

Dr. Holden, on "The Radical Prevention of Disease."

Dr. Hardwicke, on "Outbreak of Typhoid Fever from Milk."

Mr. F. Sutton, on "Well Water Supplies in Villages and Country Places."

After a discussion on a valuable paper, by Mr. Alfred H. Smee, F.S.S., on "The Air we Breathe," the following resolution was unanimously passed by a meeting of forty-two persons:—

"That it be recommended to the Council, to call the attention of the Local Government Board to the advantage of procuring and publishing weekly analyses of the air and of the drinking waters in towns having a high density of population, and that such analyses be conducted by the authorized officers appointed under the Public Health Act, and that a fund be appropriated to enable them to carry out such investigations into the pollution of air and water as may be needful for the protection of public health and for the prevention of the spread of contagious diseases."

The voluntary papers generally have elicited interesting discussions, and the Department has been well attended during the meeting.

ECONOMY AND TRADE DEPARTMENT.

This Department met three days in one section; on two days the pressure of papers compelled its division into two sections. The special questions were on the subjects of—(1.) The relations of employers and employed in trade and agricultural and industrial partnerships; (2.) Local taxation and administration; (3.) Control of friendly and other kindred societies.

In the course of the discussion which followed the reading of a paper by Mr. Rowland Hamilton upon the question of the general relations of employers and employed and industrial partnerships, a very general opinion was expressed that, although there were serious moral as well as physical hindrances to the organisation of labour upon a satisfactory relation to capital, yet that much valuable experience might be obtained from the actual working of industrial partnerships. A number of the fallacies upon which the more extravagant demands of labour have been based were

exposed, and the distinction between profit and wages fund discussed and explained. The analogy of banks, insurance companies, and other joint-stock enterprises of a like kind, was urged as showing the possibility of co-operation as applied to industrial occupations, but it was pointed out on the other hand that personal qualities of judgment and enterprise which are little wanting in the comparatively routine business of banking and insurance were absolutely essential in the case of most other industries. In such matters corporate management could not be expected to take the place of individual control, and the failure of the Ouseburn works and the Contract Corporation was quoted in support of this view. The opinion expressed with reference to the prospects of co-operative stores was somewhat desponding; but it was admitted that there was a wide distinction of principle between them and the industrial partnerships. The great difficulty in the way of combining the contentment of the employed with the simple wage payment system, arose from the impossibility of submitting the actual state of the employer's business to the inspection of other persons; but it was admitted that this difficulty applied also, though in a less degree, to the case of industrial partnerships, and instances of strikes occurring even where the workmen were in some degree remunerated on the scale of profits, were given. On the whole, perhaps, the most general agreement pointed to the necessity of imbuing the minds of the labouring classes with sound notions of political economy. To show them the real circumstances under which capital is supplied for labour to work upon, and the inevitable results of unjust demands, would, it was considered, do more than anything else to solve the problem.

Three papers were read on the question of local taxation and administration. In the first, by Mr. J. J. Colman, M.P., it was proposed that there should be an equitable incidence of local taxation between real estate and personalty; that the national exchequer should be made responsible for police, permanent poor, and certain other charges now borne by local taxation; that a single rating authority should be established in each area, and that central control should be strictly limited. In the second, by Mr. Dudley Baxter, a comparison was drawn between county and town administration, in favour of the former. In the third, by Mr. R. H. T. Palgrave, the rise of the poor rate was traced, and the anomalies connected with it pointed out. It was suggested that unions, highway districts, local government districts, petty sessional divisions, and other local districts should be consolidated into a new unit for purposes of local administration. Mr. Goschen's conclusions recently published on the subject were criticised, and finally it was proposed that in accordance with the plan adopted in France, Belgium, and Holland, part or the whole of the assessed taxes and house duty should be handed over to the local administrations.

In the discussion which ensued it was contended that the great principle that taxation and representation should go together must be observed. Benefits received, rather than ability to pay, was admitted to be the proper basis upon which to proportion the incidence of local burdens, and some difference of opinion was exhibited as to the bearing of this principle upon the relative contributions of owners and occupiers of private and manufacturing premises. The point on which agreement appeared to be most decided was as to the absolute necessity of establishing a uniform, convenient unit of area for local taxation and administration in all departments. Whether burdens should be transferred to the imperial exchequer, or funds handed over by it to the local authorities, was a question upon which opinion seemed doubtful, but it was generally maintained that the control of the central government should be curtailed. As to the desirable unit for local administration many propositions were made, none of which secured

unanimous support, although, perhaps, something analogous to the present petty sessional division appeared to combine the most advantages with the fewest drawbacks.

A paper was read on the subject of charity organisation, by Mr. E. L. O'Malley, in which the necessity for systematising the administration of relief was pointed out, and the steps already taken in that direction described. In the discussion which followed, the various causes of pauperism were discussed, and the necessity for consolidating charitable effort and directing it into a few channels of well-ascertained efficiency, rather than upon a great variety of objects, was insisted upon; and the advantages of careful and discriminating treatment of the poor pointed out and illustrated.

A paper was also read upon the law of capital.

Section A was engaged in the discussion of the principles on which friendly societies should be based. Papers on the question were read by the Rev. J. Y. Stratton and Mr. E. W. Brabrook. The discussion showed that the section was almost unanimous in its opinion that—first, all friendly societies should hold their meetings elsewhere than in the public-house; secondly, that registration should be made compulsory on all friendly societies; thirdly, that the accounts of all societies should be submitted periodically to audit by competent actuaries; fourthly, and lastly, that the accounts should be annually published.

Sir Willoughby Jones contributed a very practical plan for improved cottages for labourers, insisting specially on the importance of a third bedroom on the ground floor. A paper was read by the City Treasurer giving a valuable account of Norwich industries and their history. A description of the Gottenburgh licensing system was contributed, and a statistical comparison of our social condition compared with what it was thirty years ago. The discussion tended to show that all changes which tended to decrease facilities for the sale of intoxicating drinks were deserving of support.

In Section B the most important paper was one by Mr. Francis Fuller, which treated on the increased employment of peat as a substitute for coal; in addition to the economy of fuel, we should substitute for a repulsive and unhealthy kind of labour, a healthy occupation in the open air.

Propositions for bringing the large supply of animal food which our colonies can supply, to this country, were brought forward and discussed by gentlemen whose colonial experience enabled them to give some very valuable information.

The question of the employment of married women in factories was fully discussed; the section being almost, if not entirely, opposed to any legislative enactment which should interfere with their work in factories.

The discussion on the policy of allowing customers a share in the profits of co-operative stores, tended to maintaining the practice, as in accordance with the principle on which such institutions have been founded.

The Council have to state in conclusion, that they have this morning accepted an invitation from the Lord Provost and City of Glasgow, to hold the annual Congress of the Association for 1874 in that city.

INDEX.

Acts of Parliament, Framing of, 158.
Ace, Rev. Daniel, D.D., on the Marriage Laws, 228
Addresses:—
Opening Address by Lord Houghton, D.C.L., F R.S., 1
By George Woodyatt Hastings, President of the Council, 31
Jurisprudence and amendment of the law, by Joseph Brown, Q.C., 45
Education, by Professor W. B. Hodgson, LL.D., 64
Health, by Captain Douglas Galton, C.B., F.R.S., 89
Economy and trade, by Thomas Brassey, M.P., 114
On an international code, by David Dudley Field, 219
Repression of crime, by P. F. O'Malley, Q.C., 230
On the opening of the sanitary and educational exhibition at Norwich, by Frederick Bateman, M.D., Sheriff of Norwich, Appendix A, 663
Administration of criminal justice, by Sir Willoughby Jones, Bart., 254; discussion, 267
——— of the sanitary laws, by Lewis Angell, C.E., 413; by Alfred Carpenter, M.D., 418; discussion, 430
Admission of boys from elementary schools into grammar schools, by Rev. J. J. Raven, D.D., 402
Agricultural labourers' cottages, plan of construction and arrangement of, by Sir Willoughby Jones, 585
——— tenancies, by James Howard, M.P., 181; by Rev. E. L. Blackman, 191; discussion, 191
Agriculture, local taxation, its effect upon, by J. Burham Safford, 658
Air we breathe, The, by A. H. Smee, F.C.S., 486
American enterprise, 122
Angell, Lewis, C.E. Administration of the sanitary laws, 413; observations on, 433; on the disposal of sewage, 447
Arbitration, international, 3, 223
——— Railway, 7
Army, sanitary reform in the, 91
Arnts, R. R. On a general building act, 459
Baker, T. B. Ll. Observations on the administration of criminal justice, 265; on discipline in county and borough gaols, 285-289; on punishment of young persons, 251
Barrett, Rev. G. S. Observations on female teachers and inspectors, 380
Bateman, Frederick, M.D., Sheriff of Norwich. Address on opening of the Sanitary and Educational Exhibition, Appendix, A 663
Baxter, R. Dudley, M.A. On local taxation, 534
Beale, Miss Dorothea. On the organization of girls' schools, 362
Beer and malt duty, 656
Bignold, Mr. Observations on industrial feeding schools, 346
Blackman, Rev. E. L. On agricultural tenancies, 191; observations on the general relations of employers and employed, 515; on competitive examination, 356
Blake, Miss Jex. On female medical students, 385; observations on female education, 367
Blind, on the higher education of the, by Commander Dawson, 409
Board school buildings, suggestions on, by Mrs. Moore, 500
Boardman, Edward. Observations on a general building act, 460
Boileau, Sir Francis. Observations on agricultural tenancies, 195
Bond, F. T., M.D. Overcrowding in rural districts, and its remedy; ob-

servations on the administration of the sanitary laws, 434; on a general building act, 461
Botley, William. Observations on the universities and secondary schools, 334; on friendly societies, 579
Bowring, The late Sir John, 28
Brabrook, E. W. On friendly societies, 573
Brain and mind, 87
Brassey, Thomas, M.P. Address on economy and trade, 114; the labour market, 114; strikes, 115; advance of wages, 116; hours of labour, 118; consumption of fuel, 119; manufacture of iron and steel, 121; American enterprise, 122; the shipbuilding trade, 123; mechanical industry, 126; factory labour, 127; textile manufacture, 128; resources of the United States, 130; co-operation, 131; price of labour, 132; observations on the general relations of employers and employed, 518; on local taxation, 560, 565; on friendly societies, 574.
Bremner, J. A. Discipline in county and borough prisons, 268; observations on the discipline in county and borough gaols, 288; on the universities and secondary schools, 332.
Brereton, Rev. J. L. Universities and secondary schools, 317.
Brittain, Frederick. Observations on English and foreign commercial law, 148.
Brown, Joseph, Q.C. Address on jurisprudence and amendment of the law, 45; law reform, 45; law and equity, 49; a public prosecutor, 50; the jury system, 53; a code or digest, 58; observations on English and foreign commercial law, 155; on agricultural tenancies, 202.
—— W. Sneade. Observations on the administration of the sanitary laws, 431.
Browne, M. Observations on the discipline of county and borough gaols, 289
Building act, a general, 448.
Buxton, Sir T. Fowell, Bart. Co-existence of school boards and voluntary schools, 405.
Capital, law of, by William Westgarth, 659
Carmichael, C. H. E. On the first juridical congress of the kingdom of Italy, 229
Carnegie, David. On the Swedish liquor laws, and the Gothenburg public-house system, 619
Carpenter, Alfred, M.D. Administration of the sanitary laws, 418; observations on the administration of the sanitary laws, 434; on the disposal of sewage, 440
———— Miss Mary. On the treatment of life-sentenced prisoners, 306; on feeding schools, 335; observations on, 346; on punishment of young persons, 248; on female education, 363; on female teachers and inspectors, 381
Causes and prevention of crime, by Rev. Thomas Hutton, 311
Charcoal to household impurities, on the application of, by Major-General Synge, R.E., 496
Champion, Rev. C. H. Observations on female teachers and inspectors, 379
Charity organization, by E. L. O'Malley, 653
Church patronage, its historical, legal, and social aspects, by Alfred Waddilove, D.C.L., 227
Cholera, on, by Charles Shrimpton, M.D., 498
Classical instruction, 79
Coal mines, convict labour in, 314
Coates, Miss. Female inspection of schools, 378
Code of law, international, 219
—— of public international law, offer of prize for, xxxviii
—— or digest, 58
Co-existence of school boards and voluntary schools, by Sir T. Fowell Buxton, Bart., 405; by R. H. Blake-Humphrey, 406
Competitive examination, pressure of, 347
Concluding general meeting of members, Appendix C, 671
Collins, H. H., M.R.I.B.A. On a general building act, 448; observations on a general building act, 462
Colman, J. J., M.P. On local taxation, 522
Combination laws, 25
Commercial instruction, 82
———— law, English and foreign, 137
———— training, on, by John Yeats, LL.D., 393
Competitive examination, 22
Conference of visiting justices, xxxvi
Constant water supply, on a, by Baldwin Latham, C.E., 481
Construction and arrangement of an agricultural labourer's cottage, by Sir Willoughby Jones, 585

Consumption of fuel, 119
Convict labour in coal mines, by Charles Thompson, 314
——— system, 33
Cooper, W. J. On the defilement of air by volatile vapours, 499
Co-operation, 131
——— and industrial partnerships, 23
Co-operative societies, by Mrs. E. M. King, 658
Copeman, Rev. A. C. Observations on the administration of the sanitary laws, 433
Cosens-Hardy, H. Observations on friendly societies, 579
Council, address of G. W. Hastings, president of, 31
County and borough gaols, discipline in, 288
Country villages, sanitary defects in, 104
Cox, Mr. Serjeant. Punishment of young persons, 242
Craigie, Captain. Observations on local taxation, 564
Crime, decrease of, 42
——— prevention and cause of, 311
——— repression of, 230
Criminal justice, administration of,
Criminals, extradition of, 5
——— execution of, 14
Dawson, Commander, R.N. Registration of deaths in the mercantile marine, 495
Death of members, xxxviii
Defilement of the air by volatile vapours, by W. J. Cooper, 499
Decrease of crime, 42
De Meschin, T., LL.D. Observations on English and foreign commercial law, 154; on agricultural tenancies, 201
Denham, W. H. Observations on the administration of the sanitary laws, 431; on the disposal of sewage, 446
Destruction of dangerous animals in India, xxxvii
Dickinson, S. S., M.P. On local taxation, 554
Digest or code, 58
Discipline in county and borough prisons, by J. A. Bremner, 288; discussion, 284
Disease, on the radical prevention of, by J. S. Holden, M.D., 499
Diseases, preventible, 90
Disposal of sewage, 436; by Peter Eade, M.D., 435; by Charles Thwaites, 436; discussion, 440
Dix, F. Observations on agricultural tenancies, 202
Du Port, Rev. J. M. Observations on the universities and secondary schools, 334; on female teachers and inspectors, 384
Duty on beer and malt, 656
Dyke, J. T., M.D. The systematization of the reports of medical officers of health, with a view of making them comparable with one another, 494
Eade, Peter, M.D. Disposal of sewage, 435; observations on the administration of the sanitary laws, 431; on a general building act, 461
Economy and trade, address by Thomas Brassey, M.P., 114
——— department, 501
Edgar, Andrew, LL.D. Probable effects of the Supreme Court of Judicature Act, 226; observations on English and foreign commercial law, 147; on framing of Acts of Parliament, 173
Education, address by Professor Hodgson, LL.D., 64
——— department, 317
——— elementary, 17
——— female, 361
——— humanistic view of, 68
——— ideal of, 66
——— in the East (India), on the proper aim of, by Coomara Swamy, 410
——— literary, 70
——— medical, of women, 385
——— of the blind, on the higher, by Commander Dawson, R.N., 409
——— restrictions on, 69
——— technical, 77
——— in India, 410
Elementary education, 17
——— teaching, a profession for ladies, by Miss Louisa M. Hubbard, 370
Employers and employed, general relations of, 500
Employment of married women in manufacture, by W. Cooke Taylor, 605
Endowed schools, 20
——— bill, No. 2, xxxvii
English and foreign commercial law, by H. D. Jencken, 137; discussion, 147
Equity and law, 49
Examinations, competitive, 347
Execution of criminals, 14
Extradition of criminals, 5
Factory labour, 127
Feeding schools, on, by Miss Mary Carpenter, 335; by Rev. Brooke Lambert; discussion, 340
Female education, by Mrs. W. Grey,

361; Miss Dorothea Beale, 362; discussion, 363
Female inspection of schools, by Miss Coates, 378
——— medical schools, by Miss Jex Blake, 385
Female teachers and inspectors, by Miss Hubbard, 370; by Miss Coates, 378; discussion, 379
Fever, typhoid, in Marylebone, 489
Field, David Dudley. Address on an international code, 219; observations on English and foreign commercial law, 149
——— E. Observations on framing of Acts of Parliament, 181
Flogging in gaols, 36
Foster, Miss. Observations on female teachers and inspectors, 384
Framing of Acts of Parliament, by T. E. Holland, 158; F. H. Janson, 167; discussion, 173
Friendly societies, by Rev. J. Y. Stratton, 566; E. W. Brabrook, 573; discussion, 574
Fuel, consumption of, 119
Fuller, Francis. On the further development of the resources of the soil; the question of peat considered, 652
Galton, Captain Douglas, C.B. F.R.S. Address on health, 89; preventible diseases, 90; sanitary reform in the army, 91; sanitary administration in India, 95; deteriorating effect of residence in towns, 103; sanitary defects in country villages, 104; sanitary precautions, 105; house construction, 107; sanitary regulations, 109; conclusions, 111; observations on the administration of the sanitary laws, 435; on the disposal of sewage, 447
Gamgee, Professor. Our meat supplies, 653
Gaols, discipline in, 288
——— flogging in, 36
——— management of, 32, 34
General building act, by H. H. Collins, M.R.I.B.A., 448; by R. R. Arntz, 459; discussion, 460
——— relations of employers and employed, by Rowland Hamilton, 500; discussion, 512
Girls' schools, organization of, 362
Godwin George, F.R.S. Observations on the administration of the sanitary laws, 432
Gothenburg public-house system, 619
Grece, C. J. Observations on framing of Acts of Parliament, 180
Grey, Mrs. William. On the organization of lectures and classes for women, 361; observations on feeding schools, 345; on female education, 369
Gunn, John. Substitution of a duty on beer for the present duty on malt, 656
Gurton, R. T. Observations on the administration of criminal justice, 266; on punishment of young persons, 253; on local taxation, 565
Hamilton, Rowland. On the general relations of employers and employed, 500; observations on feeding schools, 345; on competitive examination, 355
——— W. J. On military industrial training in schools, 313
Hancock, Thomas. Norwich industries, 613; observations on the general relations of employers and employed, 516; on friendly societies, 583
Hastings, George Woodyatt. Address of president of the council, 31; resignation of Mr. Pears, 31; international prison congress, 31; management of gaols, 32, 34; convict system, 33; flogging in gaols, 36; industrial labour in prisons, 37; useless prisons, 39; prisons in the United States, 40; decrease of crime, 42; observations on the administration of criminal justice, 264; on discipline in county and borough gaols, 284; on punishment of young persons, 250; on administration of the sanitary laws, 430; on local taxation, 565
Head, Jeremiah. Observations on friendly societies, 582
Health. Address by Captain Douglas Galton, C.B., F.R.S., 89
——— department, 413
Heron, D. C., Q.C., M.P. Observations on agricultural tenancies, 193; on local taxation, 560
Heywood, James, F.R.S. Observations on framing Acts of Parliament, 179; on universities and secondary schools, 328
Hill, Hamilton A. The movement of the farmers of the Western States against railway and other monopolies, 634
——— Frederic. Observations on agricultural tenancies, 191; on general relations of employers and employed, 515; on local taxation, 559; on female teachers and inspectors, 382
History and uses of preserved meats, by E. Carton Booth, 655
Hodgson, Professor W. B., L.L.D. Address on education, 64; the ideal

of education, 66; humanistic view of education, 68; restrictions on education, 69; minimum education theory, 69; education too literary, 70; need of moral teaching, 74; religion and theology, 76; technical education, 77; classical instruction, 79; commercial instruction, 82; training of teachers, 83; teachers as school inspectors, 85; mind and brain, 87; observations on the universities and secondary schools, 334; on competitive examination, 355; on elementary teaching by ladies, 370
Hoare, J. Gurney. Observations on the general relations of employers and employed, 515
Holland, P. H. Observations on agricultural tenancies, 198; on the disposal of sewage, 445
——— T. E. On the framing of Acts of Parliament, 158; observations on English and foreign commercial law, 147; on framing of Acts of Parliament, 180
Holyoake, J. G. Observations on feeding schools, 343
Hope, William, V.C. Observations on the administration of the sanitary laws, 434; on the disposal of sewage, 441.
Houghton, Lord, D.C.L., F.R.S. Opening address, 1; international arbitration, 3; extradition of criminals, 5; session of 1873, 6; railway arbitration, 7; sanitary reform, 8; the licensing Act, 9; prison organization, 12; execution of criminals, 14; the reformatory movement, 15; poor law, 16; elementary education, 17; endowed schools, 20; the universities, 20; competitive examination, 22; industrial partnerships and co-operation, 23; socialist projects of Paris in 1848, 25; the combination laws, 25; property in land, 26; Sir John Bowring, 28; John Stuart Mill, 29; observations on agricultural tenancies, 196; on punishment of young persons, 245; on pressure of competitive examination, 353, 360; on local taxation, 566
House construction, 107
Household impurities, application of charcoal to, 496
How some people have lived and not died in India, by Miss Florence Nightingale, 463
Howard, James, M.P. On agricultural tenancies, 181; observations on, 203
Howell, Rev. Canon. Observations on female teachers and inspectors, 381
Hoyle, William. On social and material condition as contrasted with thirty years ago, 657
Hubbard, Miss L. M. Elementary teaching a profession for ladies, 370
Humanistic view of education, 68
Humphrey, R. H. Blake. Co-existence of school boards and voluntary schools, 406
Hurst, George. Observations on the general relations of employers and employed, 513; on local taxation, 561
Hutton, Rev. Thomas. On the causes and prevention of crime, 311
Ideal of education, 66
India, public education in, 410
—— How some people have lived and not died in, by Miss Florence Nightingale, 463
Indian Prisons, on, by C. Sabapathi Iyah, 314
—— Sanitary administration in, 95
Industrial feeding schools, 335
——— labour in prisons, 37
——— partnerships and co-operation, 23
Industry, mechanical, 126
Inspection of schools, female, 378
Introduction, 1
Instruction, classical, 79
——— commercial, 82
International arbitration, 3
——————— prize essay of the Workmen's Peace Society, by F. A. Soutter, 225
Ireland, facilities for transfer of land in, 205
Italy, juridical congress in, 229
International code, address on, by D. Dudley Field, 219
——————— draft outlines of, xxxviii
——— —— prison congress, 31
Jencken, H. D. On English and foreign commercial law, 137; observations on, 155; on framing of Acts of Parliament, 176
Jessop, Rev. A., D.D. Observations on the universities and secondary schools, 330; on female education, 366
Jones, Sir Willoughby, Bart. Administration of criminal justice, 254; on the best plan of construction and arrangement of an agricultural labourer's cottage, 585; on the administration of criminal justice, 267; on friendly societies, 580, 583
Judicature Act, Supreme Court of, 226
Juridical congress of the kingdom of

Italy, on the first, by C. H. E. Carmichael, 229
Jurisprudence, and amendment of the law, address by Joseph Brown, Q.C., 45
——— department, 137
Jury system, the, 53
Justice, criminal, administration of, 254
Kay, E. E., Q. C. Observations on English and foreign commercial law, 152
Kennion, Rev. R. W. Observations on competitive examination, 358
King, Mrs. E. M. On the mistake made by co-operative societies in giving a percentage to customers, 658; observations on friendly societies, 582
Labour, hours of, 118
——— in prisons, 37
——— market, 114, 132
Ladies, elementary teaching a profession for, 370
Lake, C. H. Pressure of competitive examination, 348
Lambert, Rev. Brooke. On feeding schools, 335; observations on, 340; on female teachers and inspectors, 383
Land, property in, 26
Latham, Baldwin, C.E. On a constant water supply, 481; observations on the administration of the sanitary laws, 432; on the disposal of sewage, 444
Law and equity, 49
——— of capital, the, by William Westgarth, 659
——— reform, 45
Lectures and classes for women, 361
Levey, G. C. On a new method of preserving meat by the freezing process, 645
Licensing Act, 9
Life-sentenced prisoners, treatment of, 306
Literary education, 70
Local taxation and administration, by J. J. Colman, M.P., 522; R. Dudley Baxter, F.S.S., 534; R. H. T. Palgrave, F.S.S., 548; S. S. Dickinson, M.P., 554; discussion, 559
——————— its effect upon agriculture and price of provisions, by J. Burham Safford, 658
Management of gaols, 32, 34
Manufacture of iron and steel, 121
Marriage laws, on the, by the Rev. Daniel Ace, D.D., 228
Married women, employment of, in manufacture, by W. Cooke Taylor, 605
Malt and beer, duty on, 656
Marks, T. F. Observations on the administration of the sanitary laws, 433
Meat. Method of preserving meat by freezing, G. C. Levey, 645
——— supply, by Professor Gamgee, 653
Meats, preserved, their history and uses, by E. Carton Booth, 655
Mechanical industry, 126
Medical officers of health, systematization of reports of, by J. T. Dyke, M.D., 494
——— education of women, 385
Meenacshaya, C. On public education in India, 410
Meiklejohn, T. M. G. Pressure of competitive examination, 347
Mercantile marine, registration of deaths in the, by Commander Dawson, R.N., 495
Metham, L. P. Observations on the universities and secondary schools, 333; on feeding schools, 345; on female education, 368
Military industrial training schools, by W. J. Hamilton, 313
Mill, the late John Stuart, 29
Mind and brain, 87
Minimum education theory, 69
Money, paper, as a State question, 660
Moore, Mrs. A few suggestions on board school buildings, 500
Moral teaching, need of, 74
Mouat, F. J., M.D., C.B. Prison industry the foundation of prison discipline and reformation of criminals, 289; observations on punishment of young children, 249; on the disposal of sewage, 441
Mozley, H. N. Observations on framing of Acts of Parliament, 178
Nightingale, Miss Florence. How some people have lived and not died in India, 463
Norwich industries, by Thomas Hancock, 613
——— Lord Bishop of. Observations on female teachers and inspectors, 383
Organization of lectures and classes for women, by Mrs. W. Grey, 361
——————— of girls' schools, by Miss Dorothea Beale, 362
O'Malley, E. L. Charity organization, 588; observations on local taxation, 561
——————— P. F., Q.C. Address on repression of crime, 230; observations on the administration of criminal justice, 267
Outbreak of typhoid fever in Marylebone, by William Hardwicke, M.D., 489
Overcrowding in rural districts and its remedy, by F. T. Bond, M.D., 476

Palgrave, R. H. T., F.S.S. On local taxation, 548
Paper money as a State question, by William Westgarth, 660
Paris, socialist projects of, in 1848, 25
Pattison, Rev. Mark. Observations on competitive examination, 358
Payne, Joseph. Unsatisfactory results of our Primary instruction, 408. Observations on the universities and secondary schools, 331; on industrial feeding schools, 344; on competitive examinations, 355; on female education, 367; on female teachers and inspectors, 383
Pears, Mr. Edwin, resignation of, 31
Peat, the question of, considered, 652
Pitt, D. B., M D, Observations on a general building act, 462
Poor law, 16
——— administration. Conference of chairmen and vice-chairmen of boards of guardians, xxxviii
Portal Wyndham, S. Observations on the administration of the sanitary laws, 432; on friendly societies, 585
Preserving meat, method of, by G. C. Levey, 645
President of council, address of G. W. Hastings, 31
Pressure of competitive examination, by T. M. G. Meiklejohn, 347; C. H. Lake, 348; discussion, 351
Preventible disease, 90
Prevention of crime, and causes, 311
——— of disease, 499
Primary instruction, unsatisfactory results of our, 408
Prison congress, international, 31
——— industry the foundation of prison discipline, and reformation of criminals, by F. J. Mouat, M.D., C.B., 289
——— discipline. See prison industry
Prisons in the United States, 40
——— on Indian, by C. Sabapathi Iyah, 314
——— useless, 39
——— organization of, 12
Prisoners on remand, treatment of, by H. B. Sheridan, M.P., 299
——— treatment of, before trial, xxxvi
——— treatment of life-sentenced, 306
Property in land, 26
Public education in India, on, by C. Meenacshaya, 410
——— Health Bill, xxxvii.
——— prosecutors, 50
Punishment of young persons, by Mr. Serjeant Cox, 242; discussion, 245
Railway arbitration, 7
Railways and other monopolies in the Western States, by Hamilton H. Hill, 634
Randall, J. S. Observations on friendly societies, 577
Raper, J. H. Observations on friendly societies, 583
Raven, Rev. J. J., D.D. The admission of boys from elementary schools into grammar schools, 402; observations on competitive examination, 352
Rawlinson, Robert, C.E., C.B. Observations on the disposal of sewage, 443
Read, C.S., M.P. Observations on agricultural tenancies, 199; on the relations of employers and employed, 522; on local taxation, 562
Red Hill Reformatory, statistics of, 247
Reformation of criminals. See prison industry
Reformatory movement, 15
Registration of deaths at sea, xxxvii.
——— of deaths in the mercantile marine, by Commander Dawson, R.N., 495
Religion and theology, 76
Report of the joint committee on State medicine, 492
——— of the managing committee of the sanitary and educational exhibition to the council, Appendix B, 667
——— to the concluding meeting at Norwich, Appendix C, 671
Reports of medical officers of health, systematization of, by J. T. Dyke, M.D., 494
Repression of crime section, 230
——— address on, by P. F. O'Malley, Q.C., 230
Residence in towns, deteriorating effect of, 103
Resources of the soil, on the further development of, by Francis Fuller, 652
Restrictions on education, 69
Richardson, Mr. Observations on agricultural tenancies, 202
Rural districts, overcrowding in, 476
Rust, Rev. J. Observations on the universities and secondary schools, 333; on competitive examination, 351
Sabápathi C. Iyah. On Indian prisons, 314
Safford, A.H. Observations on administration of criminal justice, 262; on punishment of young persons, 252; on industrial feeding schools, 344
——— J. Burham. Local taxation, its effects upon agriculture and price o provisions

Safford, Frank. Observations on the administration of criminal justice, 266; observations on friendly societies, 581
Sanitary administration in India, 95
——— defects in country villages, 104
——— and educational exhibition, xxxiv
——— and educational exhibition. Address of Frederick Bateman, M.D., Sheriff of Norwich, Appendix A, 663
——— and educational exhibition, Report of the managing committee, Appendix B, 667
——— laws, administration of the, 418
——— precautions, 105
——— reform, 8
——— ——— in the army, 91
——— regulations, 109
Saunders Mr. Observations on agricultural tenancies, 201
School boards and voluntary schools, co-existence of, 405–6
Schools, endowed, 20
——— elementary and grammar, 402
——— female inspection of, 378
——— inspectors, teachers as, 85
——— girls', 362
——— industrial feeding, 335
——— medical, female, 385
——— military industrial training, 313
——— secondary and the universities, 317
——— voluntary, and school boards, co-existence of, 405–6
Scott, Major-General, C.B. Observations on the disposal of sewage, 446
Secondary schools and the universities, 317
Session of 1873
Sessional meetings and conferences, xxxv
Sewage, disposal of, 435–6
Seymour, Mr. Observations on local taxation, 562
Shireff, Miss. Observations on competitive examination, 357
Sheridan, H. B., M.P. Treatment of prisoners on remand, 297
Shipbuilding trade, 123
Shrimpton, Charles, M.D. Observations on the administration of the sanitary laws, 431; on a general building act, 462
Sillar, W. C. Observations on the disposal of sewage, 445
Smee, Alfred, F.R.S., F.R.C.S. On the disposal of sewage, 436; observations on, 447
Smee, A. H., F.C.S. The air we breathe, 486
Smith, W. Observations on friendly societies, 584
Smythe, Rev. Hugh. Observations on the administration of criminal justice, 263; on punishment of young persons, 251
Social and material condition as contrasted with thirty years ago, by William Hoyle, 657
Socialist projects of Paris in 1848, 25
Soutter, F. A. International arbitration, prize essay of the workman's peace society, 225; observations on framing of Acts of Parliament, 180; on industrial feeding schools, 346; on friendly societies, 584
Sperling, Arthur. Observations on the discipline in county and borough gaols, 286
State medicine, report of the joint committee on, 492
Statement of accounts for the year 1872–3, xli.
Statistics of Red Hill Reformatory, 247
Strachan, T. Y. Observations on the general relations of employers and employed, 515; on friendly societies, 574, 585
Stratton, Rev. J. Y. On friendly societies, 566
Strikes, 115
——— and lock-outs, xxxvii
Stubbs, Rev. C. W. Observations on the general relations of employers and employed, 518
Substitution of a duty on beer for the present duty on malt, by John Gunn, 656
Supreme Court of Judicature Act, xxxv
——— probable effects of, by Andrew Edgar, LL.D., 226
Sutton, Francis, F.C.S. Well water supplies in villages and country places, 484
Swamy, Coomara, On the proper aim of education in the East, 410; observations on female teachers and inspectors, 382
Swedish liquor laws and Gothenburg public-house system, by David Carnegie, 619
Synge, Major-General, R.E. On the application of charcoal to household impurities, 496
Systematization of reports of medical officers of health, by J. T. Dyke, M.D., 494

Taylor, W. Cooke. The employment of married women in manufacture, 605; female education, 368
Teaching, elementary, a profession for ladies, 370
—— need of moral, 74
Teachers as school inspectors, 85
—— training of, 83
Technical education, 77
Tenancies, agricultural, 181
Teulon, Seymour. Observations on framing of Acts of Parliament, 176; on discipline in county and borough gaols, 187
Textile manufacture, 128
Theology and religion, 76
Thompson, Charles. Convict labour in coal mines, 314
Thwaites, Charles. Disposal of sewage, 436
Towle, Joseph. Observations on the administration of the sanitary laws, 433; on the disposal of sewage, 445; on a general building act, 461
Towns, residence in, 103
Training, commercial, 393
—— of teachers, 83
Transfer of land in Ireland, by R. Denny Urlin, 205
Treatment of life prisoners, by Miss Mary Carpenter, 306
———— of prisoners on remand, by H. B. Sheridan, M.P., 297
Typhoid fever, outbreak of, in Marylebone, by William Hardwicke, M.D., 489
United States prisons, on the, 40
———— resources of the, 130
Universities, the, 20
———— and secondary schools, by Rev. J. L. Brereton, 317; discussion, 328
Urlin, R. Denny. On the facilities for land transfer existing in Ireland under the continued operation of a landed estates court and a registration of titles, 205
Visiting justices, conference of, xxxvi
Volatile vapours, on the defilement of the air by, by W. J. Cooper, 499
Waddilove, Alfred, D.C.L. Church patronage, its historical, legal, and social aspects, 227; observations on framing of Acts of Parliament, 175
Wages, advance of, 116
Walford, Cornelius. Observations on the disposal of sewage, 442
Waller, Thomas. Observations on a general building act, 461
Water supply, on a constant, by Baldwin Latham, C.E., 481
Waters, well, in villages, 484
Webster, Thomas, Q.C., F.R.S. Observations on English and foreign commercial law, 151
Whitwill, Mark. Observations on feeding schools, 341
Well waters in villages and country places, by Francis Sutton, F.C.S., 484
Westgarth, William. The law of capital, 659; paper money as a State question, 660
White, Rev. Dr. Observations on competitive examination, 360
Women, employment of married, in manufactures, 368
——— medical education of, 385
——— organization of lectures and classes for, 361
Womersley, Mr. Observations on the disposal of sewage, 441
Working men's meeting, xxxi
Yeats, John, LL.D. On commercial training, 393; observations on competitive examination, 360
Young persons, punishment of, 242

FELLOWS' LIBRARY ASSOCIATION

LONDON: PRINTED BY
SPOTTISWOODE AND CO., NEW-STREET SQUARE
AND PARLIAMENT STREET

l social science ass'n 26354
sactions 1873

DATE	NAME	DATE

Stanford University Libraries
3 6105 010 146 590

For
USE IN LIBRARY
ONLY
DO NOT REMOVE
FROM LIBRARY

l social science ass'n 26354
sactions 1873

TE	NAME	DATE

Stanford University Libraries
3 6105 010 146 590